



General Assembly

January Session, 2017

Governor's Bill No. 7045

LCO No. 3776



Referred to Committee on JUDICIARY

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

REP. RITTER M., 1st Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

AN ACT CONCERNING JUVENILE AND YOUNG ADULT JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes, as amended by
2 section 7 of public act 16-147, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2018*):

4 The terms used in this chapter shall, in its interpretation and in the
5 interpretation of other statutes, be defined as follows:

6 (1) "Child" means any person under eighteen years of age who has
7 not been legally emancipated, except that (A) for purposes of
8 delinquency matters and proceedings, "child" means any person who
9 (i) is at least seven years of age at the time of the alleged commission of
10 a delinquent act and who is (I) under eighteen years of age and has not
11 been legally emancipated, or (II) eighteen years of age or older and
12 committed a delinquent act prior to attaining eighteen years of age, or

13 (ii) is subsequent to attaining eighteen years of age, and (I) violates any
14 order of the Superior Court or any condition of probation ordered by
15 the Superior Court with respect to a delinquency proceeding, or (II)
16 wilfully fails to appear in response to a summons under section 46b-
17 133, as amended by this act, or at any other court hearing in a
18 delinquency proceeding of which the child had notice, and (B) for
19 purposes of family with service needs matters and proceedings, child
20 means a person who is at least seven years of age and is under
21 eighteen years of age;

22 (2) "Youth" means any person sixteen or seventeen years of age who
23 has not been legally emancipated;

24 (3) "Young adult" means, for purposes of delinquency matters and
25 proceedings, any person who (A) on or after July 1, 2018, (i) allegedly
26 committed a delinquent act while eighteen years of age, or (ii)
27 committed a delinquent act while eighteen years of age, and (I)
28 subsequent to attaining nineteen years of age, violates any order of the
29 Superior Court or any condition of probation ordered by the Superior
30 Court with respect to a delinquency proceeding, or (II) wilfully fails to
31 appear in response to a summons under section 46b-133, as amended
32 by this act, or at any other court hearing in a delinquency proceeding
33 of which such person had notice, (B) on or after July 1, 2019, (i)
34 allegedly committed a delinquent act while eighteen or nineteen years
35 of age, or (ii) committed a delinquent act while eighteen or nineteen
36 years of age, and (I) subsequent to attaining twenty years of age,
37 violates any order of the Superior Court or any condition of probation
38 ordered by the Superior Court with respect to a delinquency
39 proceeding, or (II) wilfully fails to appear in response to a summons
40 under section 46b-133, as amended by this act, or at any other court
41 hearing in a delinquency proceeding of which such person had notice,
42 and (C) on or after July 1, 2020, (i) allegedly committed a delinquent
43 act while eighteen, nineteen or twenty years of age, or (ii) committed a
44 delinquent act while eighteen, nineteen or twenty years of age, and (I)
45 subsequent to attaining twenty-one years of age, violates any order of

46 the Superior Court or any condition of probation ordered by the
47 Superior Court with respect to a delinquency proceeding, or (II)
48 wilfully fails to appear in response to a summons under section 46b-
49 133, as amended by this act, or at any other court hearing in a
50 delinquency proceeding of which such person had notice;

51 [(3)] (4) A child or young adult may be found "mentally deficient"
52 who, by reason of a deficiency of intelligence that has existed from
53 birth or from early age, requires, or will require, for such child's
54 protection or for the protection of others, special care, supervision and
55 control;

56 [(4)] (5) (A) A child may be [convicted] adjudicated as "delinquent"
57 who has, while under sixteen years of age, (i) violated any federal or
58 state law, except section 53a-172, 53a-173, 53a-222, as amended by this
59 act, 53a-222a, as amended by this act, 53a-223 or 53a-223a, or violated a
60 municipal or local ordinance, except an ordinance regulating behavior
61 of a child in a family with service needs, (ii) wilfully failed to appear in
62 response to a summons under section 46b-133, as amended by this act,
63 or at any other court hearing in a delinquency proceeding of which the
64 child had notice, (iii) violated any order of the Superior Court in a
65 delinquency proceeding, except as provided in section 46b-148, or (iv)
66 violated conditions of probation in a delinquency proceeding as
67 ordered by the court;

68 (B) A [child] youth or young adult may be [convicted] adjudicated
69 as "delinquent" who has (i) [while sixteen or seventeen years of age,]
70 violated any federal or state law, other than (I) an infraction, except an
71 infraction under subsection (d) of section 21a-267, (II) a violation,
72 except a violation under subsection (a) of section 21a-279a, (III) a motor
73 vehicle offense or violation under title 14, (IV) a violation of a
74 municipal or local ordinance, or (V) a violation of section 51-164r, 53a-
75 172, 53a-173, 53a-222, as amended by this act, 53a-222a, as amended by
76 this act, 53a-223 or 53a-223a, (ii) [while sixteen years of age or older,]
77 wilfully failed to appear in response to a summons under section 46b-

78 133, as amended by this act, or at any other court hearing in a
79 delinquency proceeding of which the [child] youth or young adult had
80 notice, (iii) [while sixteen years of age or older,] violated any order of
81 the Superior Court in a delinquency proceeding, except as provided in
82 section 46b-148, or (iv) [while sixteen years of age or older,] violated
83 conditions of probation in a delinquency proceeding as ordered by the
84 court;

85 [(5)] (6) "Family with service needs" means a family that includes a
86 child who is [at least] (A) seven years of age [and is] or older but under
87 eighteen years of age who [(A)] (i) has without just cause run away
88 from the parental home or other properly authorized and lawful place
89 of abode, [(B)] (ii) is beyond the control of the child's [or youth's]
90 parent, parents, guardian or other custodian, [(C)] (iii) has engaged in
91 indecent or immoral conduct, or [(D)] (B) is thirteen years of age or
92 older and has engaged in sexual intercourse with another person and
93 such other person is thirteen years of age or older and not more than
94 two years older or younger than such child.

95 [(6)] (7) A child or youth may be found "neglected" who, for reasons
96 other than being impoverished, (A) has been abandoned, (B) is being
97 denied proper care and attention, physically, educationally,
98 emotionally or morally, or (C) is being permitted to live under
99 conditions, circumstances or associations injurious to the well-being of
100 the child or youth;

101 [(7)] (8) A child or youth may be found "abused" who (A) has been
102 inflicted with physical injury or injuries other than by accidental
103 means, (B) has injuries that are at variance with the history given of
104 them, or (C) is in a condition that is the result of maltreatment,
105 including, but not limited to, malnutrition, sexual molestation or
106 exploitation, deprivation of necessities, emotional maltreatment or
107 cruel punishment;

108 [(8)] (9) A child or youth may be found "uncared for" (A) who is

109 homeless, (B) whose home cannot provide the specialized care that the
110 physical, emotional or mental condition of the child or youth requires,
111 or (C) who has been identified as a victim of trafficking, as defined in
112 section 46a-170. For the purposes of this section, the treatment of any
113 child or youth by an accredited Christian Science practitioner, in lieu of
114 treatment by a licensed practitioner of the healing arts, shall not of
115 itself constitute neglect or maltreatment;

116 [(9)] (10) "Delinquent act" means (A) the violation by a child under
117 [the age of] sixteen years of age of any federal or state law, except the
118 violation of section 53a-172, 53a-173, 53a-222, as amended by this act,
119 53a-222a, as amended by this act, 53a-223 or 53a-223a, or the violation
120 of a municipal or local ordinance, except an ordinance regulating
121 behavior of a child in a family with service needs, (B) the violation by a
122 [child sixteen or seventeen years of age] youth or young adult of any
123 federal or state law, other than (i) an infraction, except an infraction
124 under subsection (d) of section 21a-267, (ii) a violation, except a
125 violation under subsection (a) of section 21a-279a, (iii) a motor vehicle
126 offense or violation under title 14, (iv) the violation of a municipal or
127 local ordinance, or (v) the violation of section 51-164r, 53a-172, 53a-173,
128 53a-222, as amended by this act, 53a-222a, as amended by this act, 53a-
129 223 or 53a-223a, (C) the wilful failure of a child [, including a child who
130 has attained the age of eighteen,] or young adult to appear in response
131 to a summons under section 46b-133, as amended by this act, or at any
132 other court hearing in a delinquency proceeding of which the child has
133 notice, (D) the violation of any order of the Superior Court in a
134 delinquency proceeding by a child [, including a child who has
135 attained the age of eighteen] or young adult, except as provided in
136 section 46b-148, or (E) the violation of [conditions of probation] any
137 condition of probation ordered by the court in a delinquency
138 proceeding by a child [, including a child who has attained the age of
139 eighteen, as ordered by the court] or by a young adult;

140 [(10)] (11) "Serious juvenile offense" means (A) the violation of,
141 including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-

142 33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21,
143 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57,
144 inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to
145 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95,
146 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive,
147 subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of
148 subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or
149 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211,
150 53a-212, 53a-216 or 53a-217b, or (B) running away, without just cause,
151 from any secure placement other than home while referred as a
152 delinquent child to the Court Support Services Division or committed
153 as a delinquent child to the Commissioner of Children and Families for
154 a serious juvenile offense;

155 [(11)] (12) "Serious juvenile offender" means any child [convicted] or
156 young adult adjudicated as delinquent for the commission of a serious
157 juvenile offense;

158 [(12)] (13) "Serious juvenile repeat offender" means any child or
159 young adult charged with the commission of any felony if such child
160 or young adult has previously been [convicted] adjudicated as
161 delinquent or [otherwise] convicted at any age for two violations of
162 any provision of title 21a, 29, 53 or 53a that is designated as a felony;

163 [(13)] (14) "Alcohol-dependent" means a psychoactive substance
164 dependence on alcohol as that condition is defined in the most recent
165 edition of the American Psychiatric Association's "Diagnostic and
166 Statistical Manual of Mental Disorders"; [and]

167 [(14)] (15) "Drug-dependent" means a psychoactive substance
168 dependence on drugs as that condition is defined in the most recent
169 edition of the American Psychiatric Association's "Diagnostic and
170 Statistical Manual of Mental Disorders", [No child shall be classified
171 as drug-dependent who is dependent (A) upon a] except in the case of
172 a dependency upon a (A) morphine-type substance as an incident to

173 current medical treatment of a demonstrable physical disorder other
174 than drug dependence, or (B) [upon] amphetamine-type, ataractic,
175 barbiturate-type, hallucinogenic or other stimulant and depressant
176 substances as an incident to current medical treatment of a
177 demonstrable physical or psychological disorder, or both, other than
178 drug dependence; [.] and

179 (16) "Age for adult jurisdiction" means (A) on and after July 1, 2018,
180 but not later than June 30, 2019, nineteen years of age and older, (B) on
181 and after July 1, 2019, but not later than June 30, 2020, twenty years of
182 age and older, and (C) on and after July 1, 2020, twenty-one years of
183 age and older.

184 Sec. 2. Section 46b-121 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective July 1, 2018*):

186 (a) (1) Juvenile matters in the civil session include all proceedings
187 concerning uncared-for, neglected or abused children and youths
188 within this state, termination of parental rights of children committed
189 to a state agency, adoption proceedings pursuant to section 46b-129b,
190 matters concerning families with service needs, contested matters
191 involving termination of parental rights or removal of guardian
192 transferred from the Probate Court and the emancipation of minors,
193 but does not include matters of guardianship and adoption or matters
194 affecting property rights of any child or youth over which the Probate
195 Court has jurisdiction, except that appeals from probate concerning
196 adoption, termination of parental rights and removal of a parent as
197 guardian shall be included.

198 (2) Juvenile matters in the criminal session include all proceedings
199 concerning delinquent children or young adults within this state and
200 persons eighteen years of age [and] or older who are under the
201 supervision of a juvenile probation officer while on probation or a
202 suspended commitment to the Department of Children and Families,
203 for purposes of enforcing any court orders entered as part of such

204 probation or suspended commitment.

205 (b) (1) In juvenile matters, the Superior Court shall have authority to
206 make and enforce such orders directed to parents, including any
207 person who acknowledges before the court paternity of a child born
208 out of wedlock, guardians, custodians or other adult persons owing
209 some legal duty to [a child therein] the child, as the court deems
210 necessary or appropriate to secure the welfare, protection, proper care
211 and suitable support of a child subject to the court's jurisdiction or
212 otherwise committed to or in the custody of the Commissioner of
213 Children and Families. The Superior Court may order a local or
214 regional board of education to provide to the court educational records
215 of a child or young adult for the purpose of determining the need for
216 services or placement of the child or young adult. In proceedings
217 concerning a child or young adult charged with a delinquent act or
218 [with being] a child from a family with service needs, records
219 produced subject to such an order shall be maintained under seal by
220 the court and shall be released only after a hearing or with the consent
221 of the child or young adult. Educational records obtained pursuant to
222 this section shall be used only for dispositional purposes. In addition,
223 with respect to proceedings concerning delinquent children or young
224 adults, the Superior Court shall have authority to make and enforce
225 such orders as the court deems necessary or appropriate to provide
226 individualized supervision, care, accountability and treatment to such
227 child or young adult in a manner consistent with public safety, deter
228 the child or young adult from the commission of further delinquent
229 acts, ensure that the child or young adult is responsive to the court
230 process, ensure that the safety of any other person will not be
231 endangered and provide restitution to any victim. The Superior Court
232 shall also have authority to grant and enforce temporary and
233 permanent injunctive relief in all proceedings concerning juvenile
234 matters.

235 (2) If any order for the payment of money is issued by the Superior
236 Court, including any order assessing costs issued under section 46b-

237 134, as amended by this act, or 46b-136, as amended by this act, the
238 collection of such money shall be made by the court, except orders for
239 support of children committed to any state agency or department,
240 which orders shall be made payable to and collected by the
241 Department of Administrative Services. If the Superior Court after due
242 diligence is unable to collect such moneys within six months, the court
243 shall refer such case to the Department of Administrative Services for
244 collection as a delinquent account. In juvenile matters, the Superior
245 Court shall have authority to make and enforce orders directed to
246 persons liable hereunder on petition of the Department of
247 Administrative Services made to the court in the same manner as is
248 provided in section 17b-745, in accordance with the provisions of
249 section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section
250 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745
251 shall be applicable to such proceedings. Any judge hearing a juvenile
252 matter may make any other order in connection therewith that a judge
253 of the Superior Court is authorized to grant and such order shall have
254 the same force and effect as any other order of the Superior Court. No
255 commitment to the Department of Children and Families may be
256 ordered or continued for a delinquent child who has attained the age
257 of twenty. Notwithstanding the terms of any order in effect on October
258 1, 2011, any commitment to the Department of Children and Families
259 in a delinquency proceeding pursuant to this chapter shall terminate
260 not later than the date the child attains the age of twenty.

261 (3) In the enforcement of the court's orders, in connection with any
262 juvenile matter, the court may issue process for the arrest of any
263 person, compel attendance of witnesses and punish for contempt by a
264 fine not exceeding one hundred dollars or imprisonment not exceeding
265 six months.

266 Sec. 3. Section 46b-121n of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective from passage*):

268 (a) There is established a Juvenile Justice Policy and Oversight

269 Committee. The committee shall evaluate policies related to the
270 juvenile justice system and the expansion of juvenile jurisdiction to
271 include persons [sixteen and seventeen] eighteen, nineteen and twenty
272 years of age.

273 (b) The committee shall consist of the following members:

274 (1) Two members of the General Assembly, one of whom shall be
275 appointed by the speaker of the House of Representatives, and one of
276 whom shall be appointed by the president pro tempore of the Senate;

277 (2) The chairpersons and ranking members of the joint standing
278 committees of the General Assembly having cognizance of matters
279 relating to the judiciary, children, human services and appropriations,
280 or their designees;

281 (3) The Chief Court Administrator, or the Chief Court
282 Administrator's designee;

283 (4) A judge of the superior court for juvenile matters, appointed by
284 the Chief Justice;

285 (5) The executive director of the Court Support Services Division of
286 the Judicial Department, or the executive director's designee;

287 (6) The executive director of the Superior Court Operations
288 Division, or the executive director's designee;

289 (7) The Chief Public Defender, or the Chief Public Defender's
290 designee;

291 (8) The Chief State's Attorney, or the Chief State's Attorney's
292 designee;

293 (9) The Commissioner of Children and Families, or the
294 commissioner's designee;

295 (10) The Commissioner of Correction, or the commissioner's

296 designee;

297 (11) The Commissioner of Education, or the commissioner's
298 designee;

299 (12) The Commissioner of Mental Health and Addiction Services, or
300 the commissioner's designee;

301 (13) The Labor Commissioner, or the commissioner's designee;

302 (14) The Commissioner of Social Services, or the commissioner's
303 designee;

304 (15) The Commissioner of Public Health, or the commissioner's
305 designee;

306 (16) The president of the Connecticut Police Chiefs Association, or
307 the president's designee;

308 (17) The chief of police of a municipality with a population in excess
309 of one hundred thousand, appointed by the president of the
310 Connecticut Police Chiefs Association;

311 (18) Two child or youth advocates, one of whom shall be appointed
312 by one chairperson of the Juvenile Justice Policy and Oversight
313 Committee, and one of whom shall be appointed by the other
314 chairperson of the Juvenile Justice Policy and Oversight Committee;

315 (19) Two parents or parent advocates, at least one of whom is the
316 parent of a child who has been involved with the juvenile justice
317 system, one of whom shall be appointed by the minority leader of the
318 House of Representatives, and one of whom shall be appointed by the
319 minority leader of the Senate;

320 (20) The Victim Advocate, or the Victim Advocate's designee;

321 (21) The Child Advocate, or the Child Advocate's designee; [and]

322 (22) The Secretary of the Office of Policy and Management, or the
323 secretary's designee; [.]

324 (23) An advocate on behalf of victims of family violence crimes,
325 appointed by the Governor; and

326 (24) An advocate on behalf of victims of sexual assault, appointed
327 by the Governor.

328 (c) Any vacancy shall be filled by the appointing authority.

329 (d) The Secretary of the Office of Policy and Management, or the
330 secretary's designee, and a member of the General Assembly selected
331 jointly by the speaker of the House of Representatives and the
332 president pro tempore of the Senate from among the members serving
333 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
334 be cochairpersons of the committee. Such cochairpersons shall
335 schedule the first meeting of the committee, which shall be held not
336 later than sixty days after June 13, 2014.

337 (e) Members of the committee shall serve without compensation,
338 except for necessary expenses incurred in the performance of their
339 duties.

340 (f) Not later than January 1, 2015, the committee shall report, in
341 accordance with section 11-4a, to the joint standing committees of the
342 General Assembly having cognizance of matters relating to
343 appropriations, the judiciary, human services and children, and the
344 Secretary of the Office of Policy and Management, regarding the
345 following:

346 (1) Any statutory changes concerning the juvenile justice system
347 that the committee recommends to (A) improve public safety; (B)
348 promote the best interests of children and youths who are under the
349 supervision, care or custody of the Commissioner of Children and
350 Families or the Court Support Services Division of the Judicial

351 Department; (C) improve transparency and accountability with respect
352 to state-funded services for children and youths in the juvenile justice
353 system with an emphasis on goals identified by the committee for
354 community-based programs and facility-based interventions; and (D)
355 promote the efficient sharing of information between the Department
356 of Children and Families and the Judicial Department to ensure the
357 regular collection and reporting of recidivism data and promote public
358 welfare and public safety outcomes related to the juvenile justice
359 system;

360 (2) A definition of "recidivism" that the committee recommends to
361 be used by state agencies with responsibilities with respect to the
362 juvenile justice system, and recommendations to reduce recidivism for
363 children and youths in the juvenile justice system;

364 (3) Short-term goals to be met within six months, medium-term
365 goals to be met within twelve months and long-term goals to be met
366 within eighteen months, for the Juvenile Justice Policy and Oversight
367 Committee and state agencies with responsibilities with respect to the
368 juvenile justice system to meet, after considering existing relevant
369 reports related to the juvenile justice system and any related state
370 strategic plan;

371 (4) The impact of legislation that expanded the jurisdiction of the
372 juvenile court to include persons sixteen and seventeen years of age, as
373 measured by the following:

374 (A) Any change in the average age of children and youths involved
375 in the juvenile justice system;

376 (B) The types of services used by designated age groups and the
377 outcomes of those services;

378 (C) The types of delinquent acts or criminal offenses that children
379 and youths have been charged with since the enactment and
380 implementation of such legislation; and

381 (D) The gaps in services identified by the committee with respect to
382 children and youths involved in the juvenile justice system, including,
383 but not limited to, children and youths who have attained the age of
384 eighteen after being involved in the juvenile justice system, and
385 recommendations to address such gaps in services; and

386 (5) Strengths and barriers identified by the committee that support
387 or impede the educational needs of children and youths in the juvenile
388 justice system, with specific recommendations for reforms.

389 (g) Not later than July 1, 2015, the committee shall report, in
390 accordance with section 11-4a, to the joint standing committees of the
391 General Assembly having cognizance of matters relating to
392 appropriations, the judiciary, human services and children, and the
393 Secretary of the Office of Policy and Management, regarding the
394 following:

395 (1) The quality and accessibility of diversionary programs available
396 to children and youths in this state, including juvenile review boards
397 and services for a child or youth who is a member of a family with
398 service needs;

399 (2) An assessment of the system of community-based services for
400 children and youths who are under the supervision, care or custody of
401 the Commissioner of Children and Families or the Court Support
402 Services Division of the Judicial Department;

403 (3) An assessment of the congregate care settings that are operated
404 privately or by the state and have housed children and youths
405 involved in the juvenile justice system in the past twelve months;

406 (4) An examination of how the state Department of Education and
407 local boards of education, the Department of Children and Families,
408 the Department of Mental Health and Addiction Services, the Court
409 Support Services Division of the Judicial Department, and other
410 appropriate agencies can work collaboratively through school-based

411 efforts and other processes to reduce the number of children and
412 youths who enter the juvenile justice system;

413 (5) An examination of practices and procedures that result in
414 disproportionate minority contact, as defined in section 4-68y, within
415 the juvenile justice system;

416 (6) A plan to provide that all facilities and programs that are part of
417 the juvenile justice system and are operated privately or by the state
418 provide results-based accountability;

419 (7) An assessment of the number of children and youths who, after
420 being under the supervision of the Department of Children and
421 Families, are [~~convicted~~] adjudicated as delinquent; and

422 (8) An assessment of the overlap between the juvenile justice system
423 and the mental health care system for children.

424 (h) The committee shall complete its duties under this section after
425 consultation with one or more organizations that focus on relevant
426 issues regarding children and youths, such as the University of New
427 Haven and any of the university's institutes. The committee may
428 accept administrative support and technical and research assistance
429 from any such organization. The committee shall work in collaboration
430 with any results first initiative implemented pursuant to section 2-111
431 or any public or special act.

432 (i) The committee shall establish a time frame for review and
433 reporting regarding the responsibilities outlined in subdivision (5) of
434 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
435 subsection (g) of this section. Each report submitted by the committee
436 shall include specific recommendations to improve outcomes and a
437 timeline by which specific tasks or outcomes must be achieved.

438 (j) The committee shall implement a strategic plan that integrates
439 the short-term, medium-term and long-term goals identified pursuant

440 to subdivision (3) of subsection (f) of this section. As part of the
441 implementation of such plan, the committee shall collaborate with any
442 state agency with responsibilities with respect to the juvenile justice
443 system, including, but not limited to, the Departments of Education,
444 Mental Health and Addiction Services, Correction and Children and
445 Families and the Labor Department and Judicial Department, and
446 municipal police departments. Not later than January 1, 2016, the
447 committee shall report such plan, in accordance with section 11-4a, to
448 the joint standing committees of the General Assembly having
449 cognizance of matters relating to appropriations, the judiciary, human
450 services and children, and the Secretary of the Office of Policy and
451 Management, regarding progress toward the full implementation of
452 such plan and any recommendations concerning the implementation
453 of such identified goals by any state agency with responsibilities with
454 respect to the juvenile justice system or municipal police departments.

455 (k) Not later than January 1, 2017, the committee shall submit a
456 report, in accordance with section 11-4a, to the joint standing
457 committees of the General Assembly having cognizance of matters
458 relating to appropriations, the judiciary, human services and children
459 and the Secretary of the Office of Policy and Management, regarding a
460 plan that includes cost options for the development of a community-
461 based diversion system. Such plan shall include recommendations to
462 address issues concerning mental health and juvenile justice. The plan
463 shall include recommendations regarding the following:

464 (1) Diversion of children who commit crimes, excluding serious
465 juvenile offenses, from the juvenile justice system;

466 (2) Identification of services that are evidence-based, trauma-
467 informed and culturally and linguistically appropriate;

468 (3) Expansion of the capacity of juvenile review boards to accept
469 referrals from municipal police departments and schools and
470 implement restorative practices;

471 (4) Expansion of the provision of prevention, intervention and
472 treatment services by youth service bureaus;

473 (5) Expansion of access to in-home and community-based services;

474 (6) Identification and expansion of services needed to support
475 children who are truant or exhibiting behaviors defiant of school rules
476 and enhance collaboration between school districts and community
477 providers in order to best serve such children;

478 (7) Expansion of the use of memoranda of understanding pursuant
479 to section 10-233m between local law enforcement agencies and local
480 and regional boards of education;

481 (8) Expansion of the use of memoranda of understanding between
482 local and regional boards of education and community providers for
483 provision of community-based services;

484 (9) Recommendations to ensure that children in the juvenile justice
485 system have access to a full range of community-based behavioral
486 health services;

487 (10) Reinvestment of cost savings associated with reduced
488 incarceration rates for children and increased accessibility to
489 community-based behavioral health services;

490 (11) Reimbursement policies that incentivize providers to deliver
491 evidence-based practices to children in the juvenile justice system;

492 (12) Recommendations to promote the use of common behavioral
493 health screening tools in schools and communities;

494 (13) Recommendations to ensure that secure facilities operated by
495 the Department of Children and Families or the Court Support
496 Services Division of the Judicial Department and private service
497 providers contracting with said department or division to screen
498 children in such facilities for behavioral health issues; and

499 (14) Expansion of service capacities informed by an examination of
500 grant funds and federal Medicaid reimbursement rates.

501 (1) The committee shall establish a data working group to develop a
502 plan for a data integration process to link data related to children
503 across executive branch agencies, through the Office of Policy and
504 Management's integrated data system, and the Judicial Department
505 through the Court Support Services Division, for purposes of
506 evaluation and assessment of programs, services and outcomes in the
507 juvenile justice system. Membership of the working group shall
508 include, but not be limited to, the Commissioners of Children and
509 Families, Correction, Education and Mental Health and Addiction
510 Services, or their designees; the Chief State's Attorney, or the Chief
511 State's Attorney's designee; the Chief Public Defender, or the Chief
512 Public Defender's designee; the Secretary of the Office of Policy and
513 Management, or the secretary's designee; and the Chief Court
514 Administrator of the Judicial Branch, or the Chief Court
515 Administrator's designee. Such working group shall include persons
516 with expertise in data development and research design. The plan shall
517 include cost options and provisions to:

518 (1) Access relevant data on juvenile justice populations;

519 (2) Coordinate the handling of data and research requests;

520 (3) Link the data maintained by executive branch agencies and the
521 Judicial Department for the purposes of facilitating the sharing and
522 analysis of data;

523 (4) Establish provisions for protecting confidential information and
524 enforcing state and federal confidentiality protections and ensure
525 compliance with related state and federal laws and regulations;

526 (5) Develop specific recommendations for the committee on the use
527 of limited releases of client specific data sharing across systems,
528 including with the Office of Policy and Management, the Division of

529 Criminal Justice, the Departments of Children and Families, Education
530 and Mental Health and Addiction Services, the Judicial Department
531 and other agencies; and

532 (6) Develop a standard template for memoranda of understanding
533 for data-sharing between executive branch agencies, the Judicial
534 Department, and when necessary, researchers outside of state
535 government.

536 (m) The committee shall plan for the implementation of any changes
537 required pursuant to chapter 815t and sections 54-76b to 54-76q,
538 inclusive, as amended by this act, to the juvenile justice system in
539 order to extend jurisdiction in delinquency matters and proceedings
540 within the Superior Court for juvenile matters to include persons who
541 are (1) eighteen years of age or older but under nineteen years of age,
542 beginning July 1, 2018, (2) nineteen years of age or older but under
543 twenty years of age, beginning July 1, 2019, and (3) twenty years of age
544 or older but under twenty-one years of age, beginning July 1, 2020. The
545 committee shall make recommendations including, but not limited to,
546 (A) recommendations on the appropriate processes required for
547 adjudication of young adults in juvenile court charged with sexual
548 assault or with a crime involving family violence as may be so
549 designated under section 46b-38h and on the services needed to
550 support the victims of the young adults in such cases, (B)
551 recommendations on the appropriate facilities for both the pretrial and
552 post-adjudication confinement of the young adult population, and (C)
553 recommendations on opening juvenile court proceedings to the public
554 in matters in which a young adult is before the court. On or before
555 January 1, 2018, the committee shall submit a report, in accordance
556 with section 11-4a, on the committee's findings, together with any
557 recommendations for legislation, to the Governor, the speaker of the
558 House of Representatives, the majority leader of the House of
559 Representatives, the president pro tempore of the Senate, the majority
560 leader of the Senate, the minority leader of the House of
561 Representatives, the minority leader of the Senate and the joint

562 standing committees of the General Assembly having cognizance of
563 matters relating to the judiciary, human services, children and
564 appropriations.

565 Sec. 4. Section 46b-127 of the general statutes is repealed and the
566 following is substituted in lieu thereof (*Effective July 1, 2018*):

567 (a) (1) The court shall automatically transfer from the docket for
568 juvenile matters to the regular criminal docket of the Superior Court
569 the case of any child or young adult charged with the commission of a
570 capital felony under the provisions of section 53a-54b in effect prior to
571 April 25, 2012, a class A felony, or a class B felony, except as provided
572 in [subdivision (3) of this] subsection (b) of this section, or a violation
573 of section 53a-54d, provided such offense was committed [after such
574 child attained the age of fifteen years] by a child when such child was
575 at least fifteen years of age or by a young adult and counsel has been
576 appointed for such child or young adult if such child or young adult is
577 indigent. Such counsel may appear with the child or young adult but
578 shall not be permitted to make any argument or file any motion in
579 opposition to the transfer. The child or young adult shall be arraigned
580 in the regular criminal docket of the Superior Court at the next court
581 date following such transfer. [, provided any] Any proceedings held
582 prior to the finalization of such transfer shall be private and shall be
583 conducted in such parts of the courthouse or the building in which the
584 court is located that are separate and apart from the other parts of the
585 court which are then being used for proceedings pertaining to [adults]
586 persons charged with crimes on the regular criminal docket.

587 (2) A state's attorney may, at any time after such arraignment, file a
588 motion to transfer the case of any child or young adult charged with
589 the commission of a class B felony or a violation of subdivision (2) of
590 subsection (a) of section 53a-70 to the docket for juvenile matters for
591 proceedings in accordance with the provisions of this chapter.

592 [(3) No case of any child charged with the commission of a violation

593 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of
594 subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b,
595 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section
596 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall
597 be transferred from the docket for juvenile matters to the regular
598 criminal docket of the Superior Court, except as provided in this
599 subdivision. Upon motion of a prosecutorial official, the superior court
600 for juvenile matters shall conduct a hearing to determine whether the
601 case of any child charged with the commission of any such offense
602 shall be transferred from the docket for juvenile matters to the regular
603 criminal docket of the Superior Court. The court shall not order that
604 the case be transferred under this subdivision unless the court finds
605 that (A) such offense was committed after such child attained the age
606 of fifteen years, (B) there is probable cause to believe the child has
607 committed the act for which the child is charged, and (C) the best
608 interests of the child and the public will not be served by maintaining
609 the case in the superior court for juvenile matters. In making such
610 findings, the court shall consider (i) any prior criminal or juvenile
611 offenses committed by the child, (ii) the seriousness of such offenses,
612 (iii) any evidence that the child has intellectual disability or mental
613 illness, and (iv) the availability of services in the docket for juvenile
614 matters that can serve the child's needs. Any motion under this
615 subdivision shall be made, and any hearing under this subdivision
616 shall be held, not later than thirty days after the child is arraigned in
617 the superior court for juvenile matters.]

618 (b) (1) Upon motion of a prosecutorial official, the superior court for
619 juvenile matters shall conduct a hearing to determine whether the case
620 of any child or young adult charged with the commission of a violation
621 of section 53a-122 or a class C, D or E felony or an unclassified felony
622 shall be transferred from the docket for juvenile matters to the regular
623 criminal docket of the Superior Court. The court shall not order that
624 the case be transferred under this subdivision unless the court finds
625 that (A) such offense was committed [after such child attained the age

626 of fifteen years] by a child when such child was at least fifteen years of
627 age or by a young adult, (B) there is probable cause, based on either
628 sworn affidavits or testimony, to believe the child or young adult has
629 committed the act for which the child or young adult is charged, and
630 (C) [the best interests of the child and the public will not be served by
631 maintaining the case in the superior court for juvenile matters] public
632 safety can best be served by transferring the case to the regular
633 criminal docket of the Superior Court. In making such findings, the
634 court shall consider (i) any prior criminal or juvenile offenses
635 committed by the child or young adult, (ii) the seriousness of such
636 offenses, (iii) any evidence that the child or young adult has
637 intellectual disability or mental illness, and (iv) the best interests of the
638 child or young adult, including the sophistication, maturity and
639 mental status of the child or young adult by consideration of his or her
640 social, environmental and mental health history and the availability of
641 services in the docket for juvenile matters that can serve the [child's]
642 needs of the child or young adult. Any motion under this subdivision
643 shall be made, and any hearing under this subdivision shall be held,
644 not later than thirty days after the child or young adult is arraigned in
645 the superior court for juvenile matters.

646 (2) If a case is transferred to the regular criminal docket pursuant to
647 subdivision (1) of this subsection, [or subdivision (3) of subsection (a)
648 of this section,] the court sitting for the regular criminal docket may
649 return the case to the docket for juvenile matters at any time prior to a
650 jury rendering a verdict or the entry of a guilty plea for good cause
651 shown for proceedings in accordance with the provisions of this
652 chapter.

653 (c) [Upon] (1) Except as provided in subdivision (2) of this
654 subsection, upon the effectuation of the transfer, such child or young
655 adult shall stand trial and be sentenced, if convicted, as if such child
656 [were eighteen years of age] or young adult were an age for adult
657 jurisdiction, subject to the provisions of section 54-91g. Such child or
658 young adult shall receive credit against any sentence imposed for time

659 served in a juvenile or detention facility prior to the effectuation of the
660 transfer. A child or young adult who has been transferred may enter a
661 guilty plea to a lesser offense if the court finds that such plea is made
662 knowingly and voluntarily. Any child or young adult transferred to
663 the regular criminal docket who pleads guilty to a lesser offense shall
664 not resume such [child's] person's status as a juvenile regarding such
665 offense. If the action is dismissed or nolleed or if such child or young
666 adult is found not guilty of the charge for which such child or young
667 adult was transferred or of any lesser included offenses, the child or
668 young adult shall resume such [child's] person's status as a juvenile
669 until such [child] person attains the age [of eighteen years] for adult
670 jurisdiction.

671 (2) Notwithstanding any provision of the general statutes, when
672 sentencing a person whose case has been transferred to the regular
673 criminal docket of the Superior Court pursuant to this section and who
674 is convicted of an offense for which there is a mandatory minimum
675 sentence which shall not be suspended, the court may suspend the
676 execution of such mandatory minimum sentence if such person was
677 under eighteen years of age at the time of the offense.

678 (d) Any child or young adult whose case is transferred to the
679 regular criminal docket of the Superior Court who is detained
680 pursuant to such case shall be in the custody of the Commissioner of
681 Correction upon the finalization of such transfer. A transfer shall be
682 final (1) upon the arraignment on the regular criminal docket until a
683 motion filed by the state's attorney pursuant to subsection (a) of this
684 section is granted by the court, or (2) upon the arraignment on the
685 regular criminal docket of a transfer ordered pursuant to subsection (b)
686 of this section until the court sitting for the regular criminal docket
687 orders the case returned to the docket for juvenile matters for good
688 cause shown. Any child or young adult whose case is returned to the
689 docket for juvenile matters who is detained pursuant to such case shall
690 be in the custody of the Judicial Department.

691 (e) The transfer of a child or young adult to a Department of
692 Correction facility shall be limited as provided in subsection (d) of this
693 section and said subsection shall not be construed to permit the
694 transfer of or otherwise reduce or eliminate any other population of
695 juveniles in detention or confinement within the Judicial Department
696 or the Department of Children and Families.

697 (f) Upon the motion of any party or upon the court's own motion,
698 the case of any youth [age sixteen or seventeen] or young adult, except
699 a case that has been transferred to the regular criminal docket of the
700 Superior Court pursuant to subsection (a) or (b) of this section, which
701 is pending on the youthful offender docket, regular criminal docket of
702 the Superior Court or any docket for the presentment of defendants in
703 motor vehicle matters, where the youth or young adult is charged with
704 committing any offense or violation for which a term of imprisonment
705 may be imposed, other than a violation of section 14-227a, 14-227g or
706 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n,
707 may, before trial or before the entry of a guilty plea, be transferred to
708 the docket for juvenile matters if (1) [the] (A) a youth is alleged to have
709 committed such offense or violation on or after January 1, 2010, while
710 sixteen years of age, or is alleged to have committed such offense or
711 violation on or after July 1, 2012, while seventeen years of age, or (B) a
712 young adult is alleged to have committed such offense or violation on
713 or after July 1, 2018, while younger than the age for adult jurisdiction,
714 and (2) after a hearing considering the facts and circumstances of the
715 case and the prior history of the youth or young adult, the court
716 determines that the programs and services available pursuant to a
717 proceeding in the superior court for juvenile matters would more
718 appropriately address the needs of the youth or young adult and that
719 the youth or young adult and the community would be better served
720 by treating the youth or young adult as a delinquent. Upon ordering
721 such transfer, the court shall vacate any pleas entered in the matter and
722 advise the youth or young adult of the youth's or young adult's rights,
723 and the youth or young adult shall (A) enter pleas on the docket for

724 juvenile matters in the jurisdiction where the youth or young adult
725 resides, and (B) be subject to prosecution as a delinquent [child] youth
726 or young adult. The decision of the court concerning the transfer of [a
727 youth's case] the case of a youth or young adult from the youthful
728 offender docket, regular criminal docket of the Superior Court or any
729 docket for the presentment of defendants in motor vehicle matters
730 shall not be a final judgment for purposes of appeal.

731 Sec. 5. Section 46b-133 of the general statutes is repealed and the
732 following is substituted in lieu thereof (*Effective July 1, 2018*):

733 (a) Nothing in this part shall be construed as preventing the arrest of
734 a child or young adult, with or without a warrant, as may be provided
735 by law, or as preventing the issuance of warrants by judges in the
736 manner provided by section 54-2a, except that no child or young adult
737 shall be taken into custody on such process except on apprehension in
738 the act, or on speedy information, or in other cases when the use of
739 such process appears imperative. Whenever a child or young adult is
740 arrested and charged with a delinquent act, such child or young adult
741 may be required to submit to the taking of his or her photograph,
742 physical description and fingerprints. Notwithstanding the provisions
743 of section 46b-124, as amended by this act, the name, photograph and
744 custody status of any child or young adult arrested for the commission
745 of a capital felony under the provisions of section 53a-54b in effect
746 prior to April 25, 2012, or class A felony may be disclosed to the public.

747 (b) Whenever a child or young adult is brought before a judge of the
748 Superior Court, which court shall be the court that has jurisdiction
749 over juvenile matters where the child or young adult resides if the
750 residence of such child or young adult can be determined, such judge
751 shall immediately have the case proceeded upon as a juvenile matter.
752 Such judge may admit the child or young adult to bail or, in the case of
753 a child, release the child in the custody of the child's parent or parents,
754 the child's guardian or some other suitable person to appear before the
755 Superior Court when ordered. If detention becomes necessary, such

756 detention shall be in the manner prescribed by this chapter, provided
757 the child or young adult shall be placed in the least restrictive
758 environment possible in a manner consistent with public safety.

759 (c) Upon the arrest of any child or young adult by an officer, such
760 officer may (1) in the case of a child, release the child to the custody of
761 the child's parent or parents, guardian or some other suitable person or
762 agency, (2) at the discretion of the officer, release the child or young
763 adult to the child's or young adult's own custody, or (3) seek a court
764 order to detain the child or young adult in a juvenile detention center.
765 No child or young adult may be placed in detention unless a judge of
766 the Superior Court determines, based on the available facts, that (A)
767 there is probable cause to believe that the child or young adult has
768 committed the acts alleged, (B) there is no less restrictive alternative
769 available, and (C) there is (i) probable cause to believe that the child or
770 young adult will pose a risk to public safety if released to the
771 community prior to the court hearing or disposition, (ii) a need to hold
772 the child or young adult in order to ensure the child's or young adult's
773 appearance before the court, as demonstrated by the child's or young
774 adult's previous failure to respond to the court process, or (iii) a need
775 to hold the child or young adult for another jurisdiction. No child or
776 young adult shall be [held in any detention center] detained unless an
777 order to detain is issued by a judge of the Superior Court.

778 (d) (1) When a child or young adult is arrested for the commission
779 of a delinquent act and the child or young adult is not [placed in
780 detention] detained or referred to a diversionary program, an officer
781 shall serve a written complaint and summons on the child or young
782 adult and, in the case of a child, the child's parent, guardian or some
783 other suitable person or agency. [If] In the case of a child, if such child
784 is released to the child's own custody, the officer shall make reasonable
785 efforts to notify, and to provide a copy of a written complaint and
786 summons to, the parent or guardian or some other suitable person or
787 agency prior to the court date on the summons. If any person so
788 summoned wilfully fails to appear in court at the time and place so

789 specified, the court may issue a warrant for the [child's arrest or] arrest
790 of the child or young adult or, in the case of a child, a capias to assure
791 the appearance in court of such child's parent, guardian or other
792 person. If a child or a young adult wilfully fails to appear in response
793 to such a summons, the court may order such child or young adult
794 taken into custody and such child or young adult may be charged with
795 the delinquent act of wilful failure to appear under section 46b-120, [.
796 The] as amended by this act. In the case of a child, the court may
797 punish for contempt, as provided in section 46b-121, as amended by
798 this act, any parent, guardian or other person so summoned who
799 wilfully fails to appear in court at the time and place so specified.

800 (2) Upon the arrest of any youth by an officer for a violation of
801 section 53a-82, such officer shall report suspected abuse or neglect to
802 the Department of Children and Families in accordance with the
803 provisions of sections 17a-101b to 17a-101d, inclusive.

804 (e) When a child or young adult is arrested for the commission of a
805 delinquent act and is [placed in detention] detained pursuant to
806 subsection (c) of this section, such child or young adult may be
807 detained pending a hearing which shall be held on the business day
808 next following the child's or young adult's arrest. No child or young
809 adult may be detained after such hearing unless the court determines,
810 based on the available facts, that (A) there is probable cause to believe
811 that the child or young adult has committed the acts alleged, (B) there
812 is no less restrictive alternative available, and (C) through the use of
813 the detention risk assessment instrument developed pursuant to
814 section 46b-133g, as amended by this act, that there is (i) probable
815 cause to believe that the child or young adult will pose a risk to public
816 safety if released to the community prior to the court hearing or
817 disposition; (ii) a need to hold the child or young adult in order to
818 ensure the child's or young adult's appearance before the court, as
819 demonstrated by the child's or young adult's previous failure to
820 respond to the court process, or (iii) a need to hold the child or young
821 adult for another jurisdiction. Such probable cause may be shown by

822 sworn affidavit in lieu of testimony. No child or young adult shall be
823 released from detention who is alleged to have committed a serious
824 juvenile offense except by order of a judge of the Superior Court. The
825 court may, in its discretion, consider as an alternative to detention a
826 suspended detention order with graduated sanctions to be imposed
827 based on the detention risk assessment for such child or young adult,
828 using the instrument developed pursuant to section 46b-133g, as
829 amended by this act. Any child or young adult confined in a
830 community correctional center or lockup shall be held in an area
831 separate and apart from any adult detainee, except in the case of a
832 nursing infant, and no child or young adult shall at any time be held in
833 solitary confinement. When a female child or young adult is held in
834 custody, she shall, as far as possible, be in the charge of a woman
835 attendant.

836 (f) The police officer who brings a child into detention shall have
837 first notified, or made a reasonable effort to notify, the parents or
838 guardian of the child in question of the intended action and shall file at
839 the detention center a signed statement setting forth the alleged
840 delinquent conduct of the child and the order to detain such child.
841 Upon admission, the child shall be administered the detention risk
842 assessment instrument developed pursuant to section 46b-133g, as
843 amended by this act, and unless the child was arrested for a serious
844 juvenile offense or unless an order not to release is noted on the take
845 into custody order, arrest warrant or order to detain, the child may be
846 released to the custody of the child's parent or parents, guardian or
847 some other suitable person or agency in accordance with policies
848 adopted by the Court Support Services Division of the Judicial
849 Department pursuant to section 46b-133h, as amended by this act.

850 (g) In conjunction with any order of release from detention, the
851 court may, when it has reason to believe a child or young adult is
852 alcohol-dependent or drug-dependent as defined in section 46b-120, as
853 amended by this act, and where necessary, reasonable and
854 appropriate, order the child or young adult to participate in a program

855 of periodic alcohol or drug testing and treatment as a condition of such
856 release. The results of any such alcohol or drug test shall be admissible
857 only for the purposes of enforcing the conditions of release from
858 detention.

859 (h) The detention supervisor of a juvenile detention center in charge
860 of intake shall admit only a child who: (1) Is the subject of an order to
861 detain or an outstanding court order to take such child into custody,
862 (2) is ordered by a court to be held in detention, or (3) is being
863 transferred to such center to await a court appearance.

864 (i) Whenever a child or young adult is subject to a court order to
865 take such child or young adult into custody, or other process issued
866 pursuant to this section or section 46b-140a, as amended by this act, the
867 Judicial Branch may cause the order or process to be entered into a
868 central computer system in accordance with policies and procedures
869 established by the Chief Court Administrator. The existence of the
870 order or process in the computer system shall constitute prima facie
871 evidence of the issuance of the order or process. Any child or young
872 adult named in the order or process may be arrested or taken into
873 custody based on the existence of the order or process in the computer
874 system and, if the order or process directs that such child be detained,
875 the child shall be held in a juvenile detention center.

876 (j) In the case of any child or young adult held in detention, the
877 order to detain such child or young adult shall be for a period that
878 does not exceed seven days or until the dispositional hearing is held,
879 whichever is shorter, unless, following a detention review hearing,
880 such order is renewed for a period that does not exceed seven days or
881 until the dispositional hearing is held, whichever is shorter.

882 Sec. 6. Section 46b-133c of the general statutes is repealed and the
883 following is substituted in lieu thereof (*Effective July 1, 2018*):

884 (a) Whenever a child or young adult is referred for the commission
885 of a felony committed [after such child attained the age of fourteen

886 years] by a child when such child was at least fifteen years of age or by
887 a young adult and such child or young adult is a serious juvenile
888 repeat offender, as defined in section 46b-120, as amended by this act,
889 the prosecutorial official may request the court to designate the
890 proceeding as a serious juvenile repeat offender prosecution.

891 (b) If a prosecutorial official requests that a proceeding be
892 designated a serious juvenile repeat offender prosecution, the court
893 shall hold a hearing not later than thirty days after the filing of such
894 request unless good cause is shown by the prosecutorial official or by
895 the child or young adult as to why the hearing should not be held
896 within such period. If good cause is shown, the hearing shall be held
897 not later than ninety days after the filing of such request. The court
898 shall decide whether to designate the proceeding as a serious juvenile
899 repeat offender prosecution not later than thirty days after the
900 completion of such hearing. The court shall grant the request to
901 designate the proceeding as a serious juvenile repeat offender
902 prosecution if the prosecutorial official shows by clear and convincing
903 evidence that such designation will serve the public safety. The
904 decision to designate the proceeding as a serious juvenile repeat
905 offender prosecution shall not be a final judgment for purposes of
906 appeal.

907 (c) A proceeding designated as a serious juvenile repeat offender
908 prosecution pursuant to subsection (b) of this section shall be held
909 before the court without a jury provided the child or young adult has
910 waived his or her right to a trial by jury. If a child or young adult is
911 convicted of or pleads guilty to a felony in such proceeding, the court
912 shall: (1) Sentence the child or young adult in accordance with section
913 46b-140, as amended by this act, or 46b-141a, as amended by this act,
914 and (2) sentence the child or young adult in accordance with section
915 53a-28 with the execution of such sentence stayed on the condition that
916 the child or young adult not violate the conditions of the sentence
917 imposed pursuant to subdivision (1) of this subsection or commit a
918 subsequent crime.

919 (d) If a child or young adult is convicted of or pleads guilty to a
920 misdemeanor in a proceeding designated as a serious juvenile repeat
921 offender prosecution pursuant to subsection (b) of this section, the
922 court shall sentence the child or young adult in accordance with
923 section 46b-140, as amended by this act, or 46b-141a, as amended by
924 this act.

925 (e) Whenever it appears that a child or young adult who has been
926 sentenced pursuant to subsection (c) of this section has violated the
927 conditions of the sentence imposed pursuant to subdivision (1) of said
928 subsection (c) or has committed a subsequent crime, the court may,
929 without notice, order that the child or young adult be immediately
930 taken into custody in accordance with the provisions of section 46b-
931 125. The court shall notify the child or young adult and, in the case of a
932 child, such child's parent or guardian, and the attorney of record for
933 such child or young adult, if any, in writing of the reasons alleged to
934 exist for the lifting of the stay of execution of the sentence imposed
935 pursuant to subdivision (2) of said subsection (c). If the child or young
936 adult challenges such reasons, the court shall hold a hearing at which
937 the child or young adult shall be entitled to be heard and be
938 represented by counsel. After such hearing, if the court finds that the
939 child or young adult has violated the conditions of the sentence
940 imposed pursuant to subdivision (1) of said subsection (c) or
941 committed a subsequent crime, it shall order the child or young adult
942 to serve a sentence not to exceed that imposed pursuant to subdivision
943 (2) of said subsection (c) unless it determines there are mitigating
944 circumstances that justify continuing the stay of execution and
945 specifically states such mitigating circumstances in writing for the
946 record. The child or young adult shall receive credit against any
947 sentence imposed pursuant to subdivision (2) of said subsection (c) for
948 time served in a juvenile or detention facility pursuant to the sentence
949 imposed pursuant to subdivision (1) of said subsection (c).

950 (f) Whenever a proceeding has been designated a serious juvenile
951 repeat offender prosecution pursuant to subsection (b) of this section

952 and the child or young adult does not waive such child's or young
953 adult's right to a trial by jury, the court shall transfer the case from the
954 docket for juvenile matters to the regular criminal docket of the
955 Superior Court. Upon transfer, such child or young adult shall stand
956 trial and be sentenced, if convicted, as if such child or young adult
957 were [eighteen years of age] an age for adult jurisdiction, subject to the
958 provisions of section 54-91g, except that no such child or young adult
959 shall be placed in a correctional facility but shall be maintained in a
960 facility for children and youths until such child attains eighteen years
961 of age or until such child is sentenced, whichever occurs first. Such
962 child or young adult shall receive credit against any sentence imposed
963 for time served in a juvenile or detention facility prior to the
964 effectuation of the transfer. A child or young adult who has been
965 transferred may enter a guilty plea to a lesser offense if the court finds
966 that such plea is made knowingly and voluntarily. Any child or young
967 adult transferred to the regular criminal docket who pleads guilty to a
968 lesser offense shall not resume such [child's] person's status as a
969 juvenile regarding such offense. If the action is dismissed or nolleed or
970 if such child or young adult is found not guilty of the charge for which
971 such child or young adult was transferred, the child or young adult
972 shall resume such [child's] person's status as a juvenile until such
973 [child attains eighteen years of age] person attains the age for adult
974 jurisdiction.

975 Sec. 7. Section 46b-133d of the general statutes is repealed and the
976 following is substituted in lieu thereof (*Effective July 1, 2018*):

977 (a) For the purposes of this section, "special juvenile probation"
978 means a period of probation imposed by the superior court for juvenile
979 matters upon a child or young adult in a proceeding designated as a
980 serious sexual offender prosecution during which the child or young
981 adult is supervised by a juvenile probation officer prior to such [child
982 attaining eighteen years of age] person attaining the age for adult
983 jurisdiction and by an adult probation officer after such [child attains
984 eighteen years of age] person attains the age for adult jurisdiction.

985 (b) Whenever a child or young adult is referred for the commission
986 of any crime of a sexual nature, and such case is not transferred to the
987 regular criminal docket pursuant to section 46b-127, as amended by
988 this act, the prosecutorial official may request the court to designate
989 the proceeding as a serious sexual offender prosecution.

990 (c) If a prosecutorial official requests that a proceeding be
991 designated a serious sexual offender prosecution, the court shall hold a
992 hearing not later than thirty days after the filing of such request unless
993 good cause is shown by the prosecutorial official or by the child or
994 young adult as to why the hearing should not be held within such
995 period. If good cause is shown, the hearing shall be held not later than
996 ninety days after the filing of such request. The court shall decide
997 whether to designate the proceeding as a serious sexual offender
998 prosecution not later than thirty days after the completion of such
999 hearing. The court shall grant the request to designate the proceeding
1000 as a serious sexual offender prosecution if the prosecutorial official
1001 shows by a preponderance of the evidence that such designation will
1002 serve the public safety. The decision to designate the proceeding as a
1003 serious sexual offender prosecution shall not be a final judgment for
1004 purposes of appeal.

1005 (d) A proceeding designated as a serious sexual offender
1006 prosecution pursuant to subsection (c) of this section shall be held
1007 before the court without a jury provided the child or young adult has
1008 waived the right to a trial by jury. If a child or young adult is convicted
1009 of or pleads guilty or nolo contendere to a charge in a proceeding that
1010 has been designated as a serious sexual offender prosecution, the court
1011 shall: (1) Sentence the child or young adult in accordance with section
1012 46b-140, as amended by this act, or 46b-141a, as amended by this act,
1013 (2) sentence the child or young adult to a period of special juvenile
1014 probation of at least five years, to commence upon the release of the
1015 child or young adult from the institution, agency or program in whose
1016 care the child or young adult had been placed, and (3) sentence the
1017 child or young adult in accordance with section 53a-28 with the

1018 execution of such sentence stayed on the condition that the child or
1019 young adult not violate the conditions of the sentence imposed
1020 pursuant to subdivisions (1) and (2) of this subsection or commit a
1021 subsequent crime.

1022 (e) Whenever it appears that a child or young adult who has been
1023 sentenced pursuant to subsection (d) of this section has violated the
1024 conditions of the sentence imposed pursuant to subdivision (2) of said
1025 subsection or has committed a subsequent crime, the court may,
1026 without notice, order that the child or young adult be immediately
1027 taken into custody in accordance with the provisions of sections 46b-
1028 125 and 53a-32. If such violation of probation or subsequent crime
1029 occurs prior to the person attaining [eighteen years of age] the age for
1030 adult jurisdiction, the matter shall be handled by the superior court for
1031 juvenile matters. If such violation of probation or subsequent crime
1032 occurs after the person has attained [eighteen years of age] the age for
1033 adult jurisdiction, the matter shall be handled by the regular criminal
1034 docket of the Superior Court. Whenever such matter is handled by the
1035 superior court for juvenile matters, the court shall notify the child or
1036 young adult and, in the case of a child, such child's parent or guardian
1037 and the attorney of record for such child or young adult, if any, in
1038 writing of the reasons alleged to exist for the lifting of the stay of
1039 execution of the sentence imposed pursuant to subdivision (3) of
1040 subsection (d) of this section. If the child or young adult challenges
1041 such reasons, the court shall hold a hearing at which the child or
1042 young adult shall be entitled to be heard and be represented by
1043 counsel. After such hearing, if the court finds that the child or young
1044 adult has violated the conditions of the sentence imposed pursuant to
1045 subdivision (2) of subsection (d) of this section or committed a
1046 subsequent crime, it shall order the child or young adult to serve a
1047 sentence not to exceed that imposed pursuant to subdivision (3) of
1048 subsection (d) of this section unless it determines there are mitigating
1049 circumstances that justify continuing the stay of execution and
1050 specifically states such mitigating circumstances in writing for the

1051 record. The child or young adult shall receive credit against any
1052 sentence imposed pursuant to subdivision (3) of subsection (d) of this
1053 section for time served in a juvenile or detention facility pursuant to
1054 the sentence imposed pursuant to subdivision (1) of said subsection.

1055 (f) When a proceeding has been designated a serious sexual
1056 offender prosecution pursuant to subsection (c) of this section and the
1057 child or young adult does not waive the right to a trial by jury, the
1058 court shall transfer the case from the docket for juvenile matters to the
1059 regular criminal docket of the Superior Court. Upon transfer, such
1060 child or young adult shall stand trial and be sentenced, if convicted, as
1061 if such child or young adult were [eighteen years of age] an age for
1062 adult jurisdiction, subject to the provisions of section 54-91g, except
1063 that no such child or young adult shall be placed in a correctional
1064 facility but shall be maintained in a facility for children and youths
1065 until such child attains eighteen years of age or until such child is
1066 sentenced, whichever occurs first. Such child or young adult shall
1067 receive credit against any sentence imposed for time served in a
1068 juvenile or detention facility prior to the effectuation of the transfer. A
1069 child or young adult who has been transferred may enter a guilty plea
1070 to a lesser offense if the court finds that such plea is made knowingly
1071 and voluntarily. Any child or young adult transferred to the regular
1072 criminal docket who pleads guilty to a lesser offense shall not resume
1073 such [child's] person's status as a juvenile regarding such offense. If the
1074 action is dismissed or nolleed or if such child or young adult is found
1075 not guilty of the charge for which such child or young adult was
1076 transferred, the child or young adult shall resume such [child's]
1077 person's status as a juvenile until such [child attains eighteen years of
1078 age] person attains the age for adult jurisdiction.

1079 Sec. 8. Subsections (d) and (e) of section 4-68m of the general
1080 statutes are repealed and the following is substituted in lieu thereof
1081 (*Effective July 1, 2018*):

1082 (d) In the performance of its duties under this section, the division

1083 shall collaborate with the Department of Correction, the Board of
1084 Pardons and Paroles, the Department of Mental Health and Addiction
1085 Services and the Department of Emergency Services and Public
1086 Protection and consult with the Chief Court Administrator, the
1087 executive director of the Court Support Services Division of the
1088 Judicial Branch, the Chief State's Attorney, [and] the Chief Public
1089 Defender, the Department of Children and Families and the Office of
1090 the Chief Medical Examiner.

1091 (e) (1) At the request of the division, the Department of Correction,
1092 the Board of Pardons and Paroles, the Department of Mental Health
1093 and Addiction Services, the Department of Emergency Services and
1094 Public Protection, the Chief Court Administrator, the executive
1095 director of the Court Support Services Division of the Judicial Branch,
1096 the Chief State's Attorney, [and] the Chief Public Defender, the
1097 Department of Children and Families and the Office of the Chief
1098 Medical Examiner shall provide the division with information and
1099 data needed by the division to perform its duties under subsection (b)
1100 of this section.

1101 (2) The division shall have access to individualized records
1102 maintained by the Judicial Branch and the agencies specified in
1103 subdivision (1) of this subsection as needed for research purposes. The
1104 division, in collaboration with the Judicial Branch and the agencies
1105 specified in subdivision (1) of this subsection, shall develop protocols
1106 to protect the privacy of such individualized records consistent with
1107 state and federal law. The division shall use such individualized
1108 records for statistical analyses only and shall not use such records in
1109 any other manner that would disclose the identity of individuals to
1110 whom the records pertain.

1111 (3) Any information or data provided to the division pursuant to
1112 this subsection that is confidential in accordance with state or federal
1113 law shall remain confidential while in the custody of the division and
1114 shall not be disclosed.

1115 Sec. 9. Section 46b-124 of the general statutes is repealed and the
1116 following is substituted in lieu thereof (*Effective July 1, 2018*):

1117 (a) For the purposes of this section, "records of cases of juvenile
1118 matters" includes, but is not limited to, court records, records
1119 regarding juveniles maintained by the Court Support Services
1120 Division, records regarding juveniles maintained by an organization or
1121 agency that has contracted with the Judicial Branch to provide services
1122 to juveniles, records of law enforcement agencies including
1123 fingerprints, photographs and physical descriptions, and medical,
1124 psychological, psychiatric and social welfare studies and reports by
1125 juvenile probation officers, public or private institutions, social
1126 agencies and clinics.

1127 (b) All records of cases of juvenile matters, as provided in section
1128 46b-121, as amended by this act, except delinquency proceedings, or
1129 any part thereof, and all records of appeals from probate brought to
1130 the superior court for juvenile matters pursuant to section 45a-186,
1131 shall be confidential and for the use of the court in juvenile matters,
1132 and open to inspection or disclosure to any third party, including bona
1133 fide researchers commissioned by a state agency, only upon order of
1134 the Superior Court, except that: (1) Such records shall be available to
1135 (A) the attorney representing the child or [youth] young adult,
1136 including the Division of Public Defender Services, in any proceeding
1137 in which such records are relevant, (B) the parents or guardian of the
1138 child [or youth] until such time as the child [or youth] reaches the age
1139 of majority or becomes emancipated, (C) an [adult] adopted person
1140 eighteen years of age or older in accordance with the provisions of
1141 sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D)
1142 employees of the Division of Criminal Justice who, in the performance
1143 of their duties, require access to such records, (E) employees of the
1144 Judicial Branch who, in the performance of their duties, require access
1145 to such records, (F) another court under the provisions of subsection
1146 (d) of section 46b-115j, (G) the subject of the record, upon submission
1147 of satisfactory proof of the subject's identity, pursuant to guidelines

1148 prescribed by the Office of the Chief Court Administrator, provided
1149 the subject has reached the age of majority or has been emancipated,
1150 (H) the Department of Children and Families, (I) the employees of the
1151 Division of Public Defender Services who, in the performance of their
1152 duties related to Division of Public Defender Services assigned
1153 counsel, require access to such records, and (J) judges and employees
1154 of the Probate Court who, in the performance of their duties, require
1155 access to such records; and (2) all or part of the records concerning a
1156 youth in crisis with respect to whom a court order was issued prior to
1157 January 1, 2010, may be made available to the Department of Motor
1158 Vehicles, provided such records are relevant to such order. Any
1159 records of cases of juvenile matters, or any part thereof, provided to
1160 any persons, governmental or private agencies, or institutions
1161 pursuant to this section shall not be disclosed, directly or indirectly, to
1162 any third party not specified in subsection (d) of this section, except as
1163 provided by court order, in the report required under section 54-76d or
1164 54-91a or as otherwise provided by law.

1165 (c) All records of cases of juvenile matters involving delinquency
1166 proceedings, or any part thereof, shall be confidential and for the use
1167 of the court in juvenile matters and shall not be disclosed except as
1168 provided in this section.

1169 (d) Records of cases of juvenile matters involving delinquency
1170 proceedings shall be available to (1) Judicial Branch employees who, in
1171 the performance of their duties, require access to such records, (2)
1172 judges and employees of the Probate Court who, in the performance of
1173 their duties, require access to such records, and (3) employees and
1174 authorized agents of state or federal agencies involved in (A) the
1175 delinquency proceedings, (B) the provision of services directly to the
1176 child or young adult, (C) the design and delivery of treatment
1177 programs pursuant to section 46b-121j, or (D) the delivery of court
1178 diversionary programs. Such employees and authorized agents
1179 include, but are not limited to, law enforcement officials, community-
1180 based youth service bureau officials, state and federal prosecutorial

1181 officials, school officials in accordance with section 10-233h, court
1182 officials including officials of both the regular criminal docket and the
1183 docket for juvenile matters and officials of the Division of Criminal
1184 Justice, the Division of Public Defender Services, the Department of
1185 Children and Families, the Court Support Services Division and
1186 agencies under contract with the Judicial Branch. Such records shall
1187 also be available to (i) the attorney representing the child or young
1188 adult, including the Division of Public Defender Services, in any
1189 proceeding in which such records are relevant, (ii) in the case of a
1190 child, the parents or guardian of the child, until such time as the
1191 subject of the record reaches the age of majority, (iii) the subject of the
1192 record, upon submission of satisfactory proof of the subject's identity,
1193 pursuant to guidelines prescribed by the Office of the Chief Court
1194 Administrator, provided the subject has reached the age of majority,
1195 (iv) law enforcement officials and prosecutorial officials conducting
1196 legitimate criminal investigations, (v) a state or federal agency
1197 providing services related to the collection of moneys due or funding
1198 to support the service needs of eligible juveniles, provided such
1199 disclosure shall be limited to that information necessary for the
1200 collection of and application for such moneys, and (vi) members and
1201 employees of the Board of Pardons and Paroles and employees of the
1202 Department of Correction who, in the performance of their duties,
1203 require access to such records, provided the subject of the record has
1204 been convicted of a crime in the regular criminal docket of the Superior
1205 Court and such records are relevant to the performance of a risk and
1206 needs assessment of such person while such person is incarcerated, the
1207 determination of such person's suitability for release from
1208 incarceration or for a pardon, or the determination of the supervision
1209 and treatment needs of such person while on parole or other
1210 supervised release. Records disclosed pursuant to this subsection shall
1211 not be further disclosed, except that information contained in such
1212 records may be disclosed in connection with bail or sentencing reports
1213 in open court during criminal proceedings involving the subject of
1214 such information, or as otherwise provided by law.

1215 (e) Records of cases of juvenile matters involving delinquency
1216 proceedings, or any part thereof, may be disclosed upon order of the
1217 court to any person who has a legitimate interest in the information
1218 and is identified in such order. Records disclosed pursuant to this
1219 subsection shall not be further disclosed, except as specifically
1220 authorized by a subsequent order of the court.

1221 (f) Records of cases of juvenile matters involving delinquency
1222 proceedings, or any part thereof, shall be available to the victim of the
1223 crime committed by such child or young adult to the same extent as
1224 the record of the case of a defendant in a criminal proceeding in the
1225 regular criminal docket of the Superior Court is available to a victim of
1226 the crime committed by such defendant. The court shall designate an
1227 official from whom such victim may request such information. Records
1228 disclosed pursuant to this subsection shall not be further disclosed,
1229 except as specifically authorized by a subsequent order of the court.

1230 (g) Information concerning a child or young adult who is the subject
1231 of an order to take such child or young adult into custody or other
1232 process that has been entered into a central computer system pursuant
1233 to subsection (i) of section 46b-133, as amended by this act, may be
1234 disclosed to employees and authorized agents of the Judicial Branch,
1235 law enforcement agencies and the Department of Children and
1236 Families in accordance with policies and procedures established by the
1237 Chief Court Administrator.

1238 (h) Information concerning a child or young adult who has escaped
1239 from a detention center or from a facility to which the child or young
1240 adult has been committed by the court or for whom an arrest warrant
1241 has been issued with respect to the commission of a felony may be
1242 disclosed by law enforcement officials.

1243 (i) Nothing in this section shall be construed to prohibit any person
1244 employed by the Judicial Branch from disclosing any records,
1245 information or files in such employee's possession to any person

1246 employed by the Division of Criminal Justice as a prosecutorial official,
1247 inspector or investigator who, in the performance of his or her duties,
1248 requests such records, information or files, or to prohibit any such
1249 employee of said division from disclosing any records, information or
1250 files in such employee's possession to any such employee of the
1251 Judicial Branch who, in the performance of his or her duties, requests
1252 such records, information or files.

1253 (j) Nothing in this section shall be construed to prohibit a party from
1254 making a timely objection to the admissibility of evidence consisting of
1255 records of cases of juvenile matters, or any part thereof, in any
1256 Superior Court or Probate Court proceeding, or from making a timely
1257 motion to seal any such record pursuant to the rules of the Superior
1258 Court or the rules of procedure adopted under section 45a-78.

1259 (k) A state's attorney shall disclose to the defendant or such
1260 defendant's counsel in a criminal prosecution, without the necessity of
1261 a court order, exculpatory information and material contained in any
1262 record disclosed to such state's attorney pursuant to this section and
1263 may disclose, without a court order, information and material
1264 contained in any such record which could be the subject of a disclosure
1265 order.

1266 (l) Notwithstanding the provisions of subsection (d) of this section,
1267 any information concerning a child or young adult that is obtained
1268 during any detention screening or mental health screening or
1269 assessment of such child or young adult, during the provision of
1270 services pursuant to subsection (b) of section 46b-149, or during the
1271 performance of an educational evaluation pursuant to subsection (e) of
1272 section 46b-149, shall be used solely for planning and treatment
1273 purposes and shall otherwise be confidential and retained in the files
1274 of the entity providing such services or performing such screening,
1275 assessment or evaluation. Such information may be further disclosed
1276 only for the purposes of any court-ordered evaluation or treatment of
1277 the child or young adult or provision of services to the child or young

1278 adult, or pursuant to sections 17a-101 to 17a-101e, inclusive, 17b-450,
1279 17b-451 or 51-36a. Any information concerning a child or young adult
1280 that is obtained during the administration of the detention screening
1281 instrument in accordance with section 46b-133, as amended by this act,
1282 shall be used solely for the purpose of making a recommendation to
1283 the court regarding the detention of the child or young adult. Such
1284 information shall not be subject to subpoena or other court process for
1285 use in any other proceeding or for any other purpose.

1286 (m) Records of cases of juvenile matters involving delinquency
1287 proceedings, or any part thereof, containing information that a child or
1288 young adult has been [convicted] adjudicated as delinquent for a
1289 violation of subdivision (e) of section 1-1h, subsection (c) of section 14-
1290 147, subsection (a) of section 14-215, section 14-222, subsection (b) of
1291 section 14-223, subsection (a), (b) or (c) of section 14-224, section 30-88a
1292 or subsection (b) of section 30-89, shall be disclosed to the Department
1293 of Motor Vehicles for administrative use in determining whether
1294 administrative sanctions regarding [such child's] the motor vehicle
1295 operator's license of such child or young adult are warranted. Records
1296 disclosed pursuant to this subsection shall not be further disclosed.

1297 (n) Records of cases of juvenile matters involving adoption
1298 proceedings, or any part thereof, shall be confidential and may only be
1299 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

1300 Sec. 10. Section 46b-133g of the general statutes is repealed and the
1301 following is substituted in lieu thereof (*Effective July 1, 2018*):

1302 (a) [Not later than January 1, 2017, the] The Court Support Services
1303 Division of the Judicial Department shall develop and implement a
1304 detention risk assessment instrument to be used to determine, based
1305 on the risk level, whether there is: (1) Probable cause to believe that a
1306 child or young adult will pose a risk to public safety if released to the
1307 community prior to the court hearing or disposition, or (2) a need to
1308 hold the child or young adult in order to ensure the child's or young

1309 adult's appearance before the court, as demonstrated by the child's or
1310 young adult's previous failure to respond to the court process. Such
1311 instrument shall be used when assessing whether a child or young
1312 adult should be detained pursuant to section 46b-133. Any detention
1313 screening shall be subject to the protections of subsection (l) of section
1314 46b-124, as amended by this act.

1315 (b) When a child or young adult is presented before the court and it
1316 appears from the available facts there is probable cause to believe the
1317 child or young adult has violated a valid court order, the court, after
1318 administering the detention risk assessment instrument, may order the
1319 child or young adult to participate in nonresidential programs for
1320 intensive wraparound services, community-based residential services
1321 for short-term respite or other services and interventions the court
1322 deems appropriate.

1323 Sec. 11. Section 46b-133h of the general statutes is repealed and the
1324 following is substituted in lieu thereof (*Effective July 1, 2018*):

1325 [Not later than January 1, 2017, the] The Court Support Services
1326 Division of the Judicial Department shall adopt policies and
1327 procedures setting out the parameters under which Court Support
1328 Services Division staff may release a child or young adult from
1329 detention pursuant to subsection (f) of section 46b-133, as amended by
1330 this act. The division may update such parameters at such times as the
1331 division deems necessary.

1332 Sec. 12. Section 46b-128 of the general statutes is repealed and the
1333 following is substituted in lieu thereof (*Effective July 1, 2018*):

1334 (a) Whenever the Superior Court is in receipt of any written
1335 complaint filed by any person, any public or private agency or any
1336 federal, state, city or town department maintaining that [a child's]
1337 conduct of a child or young adult constitutes delinquency within the
1338 meaning of section 46b-120, as amended by this act, it shall make a
1339 preliminary investigation to determine whether the facts, if true,

1340 would be sufficient to be a juvenile matter and whether the interests of
1341 the public or the child or young adult require that further action be
1342 taken. If so, the court may authorize the filing of a verified petition of
1343 alleged delinquency or it may make without such petition whatever
1344 nonjudicial disposition is practicable, including the ordering of such
1345 child or young adult to do work of which he is capable in public
1346 buildings or on public property, particularly in cases in which the
1347 complaint alleges that the conduct of such child or young adult
1348 resulted in the wilful destruction of property, provided the facts
1349 establishing jurisdiction are admitted and that a competent acceptance
1350 of such a disposition has been given by the child or young adult and,
1351 [his] in the case of a child, such child's parent or guardian. If a
1352 nonjudicial disposition is made, the term of any nonjudicial
1353 supervision shall be established by the juvenile probation supervisor
1354 provided such period of supervision shall not exceed one hundred
1355 eighty days. Each verified petition of delinquency filed by the court
1356 shall set forth plainly (1) the facts which bring the child or young adult
1357 within the jurisdiction of the court, (2) the name, date of birth, sex and
1358 residence of the child or young adult, (3) in the case of a child, the
1359 names and residence of [his] such child's parent or parents, guardian
1360 or other person having control of the child, and (4) a prayer for
1361 appropriate action by the court in conformity with the provisions of
1362 this chapter.

1363 (b) Upon the filing of a delinquency petition, the court may, either
1364 forthwith or after investigation, cause a summons, which summons
1365 shall have a copy of said verified petition attached thereto, signed by
1366 the judge or by the clerk or assistant clerk of such court, to be issued,
1367 requiring the young adult, or, in the case of a child, the child and the
1368 parent or parents, guardian or other person having control of the child
1369 to appear in court at the time and place therein specified. Whenever, in
1370 the case of a child, it appears to the judge that orders addressed to an
1371 adult, as set forth in section 46b-121, as amended by this act, are
1372 necessary for the welfare of such child, a similar summons shall be

1373 issued and served upon such adult if such adult is not already in court.
1374 Service of summons, together with a copy of the verified petition, may
1375 be made by any one of the following methods: (1) By the delivery of a
1376 true and attested copy thereof to the person summoned, or at such
1377 person's usual place of abode; (2) by restricted delivery addressed to
1378 the person summoned, return receipt requested; or (3) by first class
1379 mail addressed to the person summoned. Any notice sent by first class
1380 mail shall include a provision informing the party that appearance in
1381 court as a result of the notice may subject the appearing party to the
1382 jurisdiction of the court. If service is made by first class mail and the
1383 party does not appear, no order may be entered by the court in the
1384 case. If, after reasonable effort, personal service has not been made,
1385 such substitute service, by publication or otherwise, as the judge may
1386 order, shall be sufficient. Service may be made by any officer
1387 authorized by law to serve process, or by a probation officer, probation
1388 aide or indifferent person, and the court may allow suitable expenses
1389 and a reasonable fee therefor. [The] In the case of a child, the court may
1390 punish for contempt, as provided in section 46b-121, as amended by
1391 this act, any parent, guardian or other person so summoned who fails
1392 to appear in court at the time and place so specified.

1393 Sec. 13. Section 46b-128a of the general statutes is repealed and the
1394 following is substituted in lieu thereof (*Effective July 1, 2018*):

1395 (a) In any juvenile matter, as defined in section 46b-121, as amended
1396 by this act, in which a child or [youth] young adult is alleged to have
1397 committed a delinquent act or an act or omission for which a petition
1398 may be filed under section 46b-149, the child or [youth] young adult
1399 shall not be tried, convicted, adjudicated or subject to any disposition
1400 pursuant to section 46b-140, as amended by this act, or 46b-149 while
1401 the child or [youth] young adult is not competent. For the purposes of
1402 this section, a transfer to the regular criminal docket of the Superior
1403 Court pursuant to section 46b-127, as amended by this act, shall not be
1404 considered a disposition. A child or [youth] young adult is not
1405 competent if the child or [youth] young adult is unable to understand

1406 the proceedings against him or her or to assist in his or her own
1407 defense.

1408 (b) If, at any time during a proceeding on a juvenile matter, it
1409 appears that the child or [youth] young adult is not competent, counsel
1410 for the child or [youth] young adult, the prosecutorial official, or the
1411 court, on its own motion, may request an examination to determine the
1412 child's or [youth's] young adult's competency. Whenever a request for
1413 a competency examination is under consideration by the court, the
1414 child or [youth] young adult shall be represented by counsel in
1415 accordance with the provisions of sections 46b-135, as amended by this
1416 act, and 46b-136, as amended by this act.

1417 (c) A child or [youth] young adult alleged to have committed an
1418 offense is presumed to be competent. The age of the child or [youth]
1419 young adult is not a per se determinant of incompetency. The burden
1420 of going forward with the evidence and proving that the child or
1421 [youth] young adult is not competent by a preponderance of the
1422 evidence shall be on the party raising the issue of competency, except
1423 that if the court raises the issue of competency, the burden of going
1424 forward with the evidence shall be on the state. The court may call its
1425 own witnesses and conduct its own inquiry.

1426 (d) If the court finds that the request for a competency examination
1427 is justified and that there is probable cause to believe that the child or
1428 [youth] young adult has committed the alleged offense, the court shall
1429 order a competency examination of the child or [youth] young adult.
1430 Competency examinations shall be conducted, within available
1431 appropriations, by (1) a clinical team constituted under policies and
1432 procedures established by the Chief Court Administrator, or (2) if
1433 agreed to by all parties, a physician specializing in psychiatry who has
1434 experience in conducting forensic interviews and in child and adult
1435 psychiatry. Any clinical team constituted under this section shall
1436 consist of three persons: A clinical psychologist with experience in
1437 child and adolescent psychology, and two of the following three types

1438 of professionals: (A) A clinical social worker licensed pursuant to
1439 chapter 383b, (B) a child and adolescent psychiatric nurse clinical
1440 specialist holding a master's degree in nursing, or (C) a physician
1441 specializing in psychiatry. At least one member of the clinical team
1442 shall have experience in conducting forensic interviews and at least
1443 one member of the clinical team shall have experience in child and
1444 adolescent psychology. The court may authorize a physician, a clinical
1445 psychologist, a child and adolescent psychiatric nurse specialist or a
1446 clinical social worker licensed pursuant to chapter 383b, selected by
1447 the child or [youth] young adult, to observe the examination, at the
1448 expense of the child or [youth] young adult or, if the child or [youth]
1449 young adult is represented by counsel appointed through the Public
1450 Defender Services Commission, the Office of the Chief Public
1451 Defender. In addition, counsel for the child or [youth] young adult, his
1452 or her designated representative and, if the child or [youth] young
1453 adult is represented by a public defender, a social worker from the
1454 Division of Public Defender Services, may observe the examination.

1455 (e) The examination shall be completed not later than fifteen
1456 business days after the date it was ordered, unless the time for
1457 completion is extended by the court for good cause shown. The
1458 members of the clinical team or the examining physician shall prepare
1459 and sign, without notarization, a written report and file such report
1460 with the court not later than twenty-one business days after the date of
1461 the order. The report shall address the [child's or youth's] ability of the
1462 child or young adult to understand the proceedings against such child
1463 or [youth] young adult and such [child's or youth's] ability of the child
1464 or young adult to assist in his or her own defense. If the opinion of the
1465 clinical team or the examining physician set forth in such report is that
1466 the child or young adult cannot understand the proceedings against
1467 such child or [youth] young adult or is not able to assist in his or her
1468 own defense, the members of the team or the examining physician
1469 must determine and address in their report: (1) Whether there is a
1470 substantial probability that the child or [youth] young adult will attain

1471 or regain competency [within ninety days of an intervention being] not
1472 later than ninety days after an intervention is ordered by the court; and
1473 (2) the nature and type of intervention, in the least restrictive setting
1474 possible, recommended to attain or regain competency. On receipt of
1475 the written report, the clerk of the court shall cause copies of such
1476 written report to be delivered to counsel for the state and counsel for
1477 the child or [youth] young adult at least forty-eight hours prior to the
1478 hearing held under subsection (f) of this section.

1479 (f) The court shall hold a hearing as to the competency of the child
1480 or [youth] young adult not later than ten business days after the court
1481 receives the written report of the clinical team or the examining
1482 physician pursuant to subsection (e) of this section. A child or [youth]
1483 young adult may waive such evidentiary hearing only if the clinical
1484 team or examining physician has determined without qualification
1485 that the child or [youth] young adult is competent. Any evidence
1486 regarding the [child's or youth's] competency of the child or young
1487 adult, including, but not limited to, the written report, may be
1488 introduced in evidence at the hearing by either the child or [youth]
1489 young adult or the state. If the written report is introduced as
1490 evidence, at least one member of the clinical team or the examining
1491 physician shall be present to testify as to the determinations in the
1492 report, unless the clinical team's or the examining physician's presence
1493 is waived by the child or [youth] young adult and the state. Any
1494 member of the clinical team shall be considered competent to testify as
1495 to the clinical team's determinations.

1496 (g) (1) If the court, after the competency hearing, finds by a
1497 preponderance of the evidence that the child or [youth] young adult is
1498 competent, the court shall continue with the prosecution of the
1499 juvenile matter.

1500 (2) If the court, after the competency hearing, finds that the child or
1501 [youth] young adult is not competent, the court shall determine: (A)
1502 Whether there is a substantial probability that the child or [youth]

1503 young adult will attain or regain competency [within ninety days of]
1504 not later than ninety days after an intervention being ordered by the
1505 court; and (B) whether the recommended intervention to attain or
1506 regain competency is appropriate. In making its determination on an
1507 appropriate intervention, the court may consider: (i) The nature and
1508 circumstances of the alleged offense; (ii) the length of time the clinical
1509 team or examining physician estimates it will take for the child or
1510 [youth] young adult to attain or regain competency; (iii) whether the
1511 child or [youth] young adult poses a substantial risk to reoffend; and
1512 (iv) whether the child or [youth] young adult is able to receive
1513 community-based services or treatment that would prevent the child
1514 or [youth] young adult from reoffending.

1515 (h) If the court finds that there is not a substantial probability that
1516 the child or [youth] young adult will attain or regain competency
1517 [within ninety days] not later than ninety days after a court ordered
1518 intervention or that the recommended intervention to attain or regain
1519 competency is not appropriate, the court may issue an order in
1520 accordance with subsection (k) of this section.

1521 (i) (1) If the court finds that there is a substantial probability that the
1522 child or [youth] young adult will attain or regain competency [within
1523 ninety days if provided] not later than ninety days after being
1524 provided an appropriate intervention, the court shall schedule a
1525 hearing on the implementation of such intervention [within five
1526 business days] not later than five business days after such finding.

1527 (2) An intervention implemented for the purpose of restoring
1528 competency shall comply with the following conditions: (A) The
1529 period of intervention shall not exceed ninety days, unless extended
1530 for an additional ninety days in accordance with the criteria set forth in
1531 subsection (j) of this section; and (B) (i) in the case of a child, the
1532 intervention services shall be provided by the Department of Children
1533 and Families or, if the child's [or youth's] parent or guardian agrees to
1534 pay for such services, by any appropriate person, agency, mental

1535 health facility or treatment program that agrees to provide appropriate
1536 intervention services in the least restrictive setting available to the
1537 child [or youth] and comply with the requirements of this section, or
1538 (ii) in the case of a young adult, the intervention services shall be
1539 provided by the Department of Mental Health and Addiction Services,
1540 or if the young adult agrees to pay for such services, by any
1541 appropriate person, agency, mental health facility or treatment
1542 program that agrees to provide appropriate intervention services in the
1543 least restrictive setting available to the young adult and comply with
1544 the requirements of this section.

1545 (3) Prior to the hearing, the court shall notify the Commissioner of
1546 Children and Families [,] or the commissioner's designee in the case of
1547 a child, or the Commissioner of Mental Health and Addiction Services
1548 or the commissioner's designee in the case of a young adult, or the
1549 appropriate person, agency, mental health facility or treatment
1550 program that has agreed to provide appropriate intervention services
1551 to the child or [youth] young adult that an intervention to attain or
1552 regain competency will be ordered. The commissioner, the
1553 commissioner's designee or the appropriate person, agency, mental
1554 health facility or treatment program shall be provided with a copy of
1555 the report of the clinical team or examining physician and shall report
1556 to the court on a proposed implementation of the intervention prior to
1557 the hearing.

1558 (4) At the hearing, the court shall review the written report and
1559 order an appropriate intervention for a period not to exceed ninety
1560 days in the least restrictive setting available to restore competency. In
1561 making its determination, the court shall use the criteria set forth in
1562 subdivision (2) of subsection (g) of this section. Upon ordering an
1563 intervention, the court shall set a date for a hearing, to be held at least
1564 ten business days after the completion of the intervention period, for
1565 the purpose of reassessing the [child's or youth's] competency of the
1566 child or young adult.

1567 (j) (1) At least ten business days prior to the date of any scheduled
1568 hearing on the issue of the reassessment of the [child's or youth's]
1569 competency of the child or young adult, the Commissioner of Children
1570 and Families [,] or the commissioner's designee in the case of a child,
1571 or the Commissioner of Mental Health and Addiction Services or the
1572 commissioner's designee in the case of a young adult, or other person,
1573 agency, mental health facility or treatment program providing
1574 intervention services to restore a child or [youth] young adult to
1575 competency shall report on the progress of such intervention services
1576 to the clinical team or examining physician.

1577 (2) Upon receipt of the report on the progress of such intervention,
1578 the child or [youth] young adult shall be reassessed by the original
1579 clinical team or examining physician, except that if the original team or
1580 examining physician is unavailable, the court may appoint a new
1581 clinical team that, where possible, shall include at least one member of
1582 the original team, or a new examining physician. The new clinical team
1583 or examining physician shall have the same qualifications as the
1584 original team or examining physician, as provided in subsection (d) of
1585 this section, and shall have access to clinical information available from
1586 the provider of the intervention services. Not less than two business
1587 days prior to the date of any scheduled hearing on the reassessment of
1588 the [child's or youth's] competency of the child or young adult, the
1589 clinical team or examining physician shall submit a report to the court
1590 that includes: (A) The clinical findings of the provider of the
1591 intervention services and the facts upon which the findings are made;
1592 (B) the clinical team's or the examining physician's opinion on whether
1593 the child or [youth] young adult has attained or regained competency
1594 or is making progress toward attaining or regaining competency
1595 within the period covered by the intervention order; and (C) any other
1596 information concerning the child or [youth] young adult requested by
1597 the court, including, but not limited to, the method of intervention or
1598 the type, dosage and effect of any medication the child or [youth]
1599 young adult is receiving.

1600 (3) [Within] Not later than two business days [of] after the filing of a
1601 reassessment report, the court shall hold a hearing to determine if the
1602 child or [youth] young adult has attained or regained competency
1603 within the period covered by the intervention order. If the court finds
1604 that the child or [youth] young adult has attained or regained
1605 competency, the court shall continue with the prosecution of the
1606 juvenile matter. If the court finds that the child or [youth] young adult
1607 has not attained or regained competency within the period covered by
1608 the intervention order, the court shall determine whether further
1609 efforts to attain or regain competency are appropriate. The court shall
1610 make its determination of whether further efforts to attain or regain
1611 competency are appropriate in accordance with the criteria set forth in
1612 subdivision (2) of subsection (g) of this section. If the court finds that
1613 further intervention to attain or regain competency is appropriate, the
1614 court shall order a new period for restoration of competency not to
1615 exceed ninety days. If the court finds that further intervention to attain
1616 or regain competency is not appropriate or the child or [youth] young
1617 adult has not attained or regained competency after an additional
1618 intervention of ninety days, the court shall issue an order in
1619 accordance with subsection (k) of this section.

1620 (k) (1) If the court determines after the period covered by the
1621 intervention order that the child or [youth] young adult has not
1622 attained or regained competency and that there is not a substantial
1623 probability that the child or [youth] young adult will attain or regain
1624 competency, or that further intervention to attain or regain
1625 competency is not appropriate based on the criteria set forth in
1626 subdivision (2) of subsection (g) of this section, the court shall: (A)
1627 Dismiss the petition if it is a delinquency or family with service needs
1628 petition; (B) in the case of a child, vest temporary custody of the child
1629 [or youth] in the Commissioner of Children and Families and notify
1630 the Office of the Chief Public Defender, which shall assign an attorney
1631 to serve as guardian ad litem for the child [or youth] and investigate
1632 whether a petition should be filed under section 46b-129; or (C) order

1633 that the Department of Children and Families in the case of a child, the
1634 Department of Mental Health and Addiction Services in the case of a
1635 young adult, or some other person, agency, mental health facility or
1636 treatment program, or [such child's or youth's probation officer] the
1637 probation officer of such child or young adult, conduct or obtain an
1638 appropriate assessment and, where appropriate, propose a plan for
1639 services that can appropriately address the [child's or youth's] needs of
1640 the child or young adult in the least restrictive setting available and
1641 appropriate. Any plan for services may include a plan for interagency
1642 collaboration for the provision of appropriate services after the child
1643 [or youth] attains the age of eighteen or the young adult attains the age
1644 for adult jurisdiction.

1645 (2) Not later than ten business days after the issuance of an order
1646 pursuant to subparagraph (B) or (C) of subdivision (1) of this
1647 subsection, the court shall hold a hearing to review the order of
1648 temporary custody or any recommendations of the Department of
1649 Children and Families [, such] in the case of a child, or any
1650 recommendations of the Department of Mental Health and Addiction
1651 Services in the case of a young adult, probation officer or [such]
1652 attorney for such child or young adult or guardian ad litem for the
1653 child. [or youth.]

1654 (3) If the child [or youth] is adjudicated neglected, uncared-for or
1655 abused subsequent to such a petition being filed, or if a plan for
1656 services pursuant to subparagraph (C) of subdivision (1) of this
1657 subsection has been approved by the court and implemented, the court
1658 may dismiss the delinquency or family with service needs petition, or,
1659 in the discretion of the court, order that the prosecution of the case be
1660 suspended for a period not to exceed eighteen months. During the
1661 period of suspension, the court may order the Department of Children
1662 and Families to provide periodic reports to the court to ensure that
1663 appropriate services are being provided to the child. [or youth.] If
1664 during the period of suspension, the child [or youth] or the parent or
1665 guardian of the child [or youth] does not comply with the

1666 requirements set forth in the plan for services, the court may hold a
1667 hearing to determine whether the court should follow the procedure
1668 under subparagraph (B) of subdivision (1) of this subsection for
1669 instituting a petition alleging that a child is neglected, uncared for or
1670 abused. Whenever the court finds that the need for the suspension of
1671 prosecution is no longer necessary, but not later than the expiration of
1672 such period of suspension, the delinquency or family with service
1673 needs petition shall be dismissed.

1674 Sec. 14. Section 46b-133a of the general statutes is repealed and the
1675 following is substituted in lieu thereof (*Effective July 1, 2018*):

1676 (a) A nolle prosequi may not be entered as to any count of
1677 delinquency if the child or young adult objects to the nolle prosequi
1678 and demands either a trial or dismissal, except with respect to
1679 prosecutions in which a nolle prosequi is entered upon a
1680 representation to the court by the prosecutorial official that a material
1681 witness has died, disappeared or become disabled or that material
1682 evidence has disappeared or has been destroyed and that a further
1683 investigation is therefore necessary.

1684 (b) Whenever a nolle prosequi has been entered as to any count of
1685 delinquency, or whenever any count of delinquency has been
1686 dismissed without prejudice, if at least thirteen months have elapsed
1687 since such nolle or dismissal without prejudice, all police and court
1688 records pertaining to such count shall be erased. Whenever any such
1689 count has been continued at the request of the prosecutorial official
1690 and a period of thirteen months has elapsed since the granting of such
1691 continuance during which period there has been no prosecution or
1692 other disposition of the matter, the count shall be construed to have
1693 been nolle as of the date of termination of such thirteen-month period
1694 and such erasure may thereafter be effected as provided in this
1695 subsection for nolle cases.

1696 Sec. 15. Section 46b-133b of the general statutes is repealed and the

1697 following is substituted in lieu thereof (*Effective July 1, 2018*):

1698 (a) The court, on motion of a child or young adult charged with a
1699 delinquency offense, but not yet [convicted] adjudicated as delinquent,
1700 may order that such child or young adult be examined to determine
1701 whether the child or young adult is alcohol-dependent or drug-
1702 dependent as defined in section 46b-120, as amended by this act. Such
1703 motion shall be filed with the court [within] not later than ten days
1704 after a plea is entered, except if waived by the court or pursuant to an
1705 agreement by the parties. The results of any examination ordered
1706 pursuant to this subsection shall be utilized only for the purposes of
1707 determining whether the delinquency proceeding should be
1708 suspended under this section.

1709 (b) The court, upon motion of the child or young adult charged with
1710 a delinquency offense but not yet [convicted] adjudicated as
1711 delinquent, may order the suspension of the delinquency proceedings
1712 for a period of up to one year, order periodic alcohol and drug testing
1713 of such child or young adult during the period of suspension and
1714 order treatment for alcohol or drug dependency if the court, after
1715 consideration of information before it concerning the alcohol or drug
1716 dependency of the child or young adult, finds that (1) the child or
1717 young adult is alcohol-dependent or drug-dependent as defined in
1718 section 46b-120, as amended by this act, (2) the child or young adult
1719 presently needs and is likely to benefit from treatment for the
1720 dependency, and (3) the suspension of the delinquency proceedings
1721 will advance the interests of justice. During the period of suspension, a
1722 child or young adult shall be placed under the supervision of a
1723 juvenile probation officer for treatment for alcohol or drug
1724 dependency and such officer shall monitor the compliance of the child
1725 or young adult with the orders of the court.

1726 (c) If the court denies the motion for suspension of the delinquency
1727 proceedings, the prosecutorial official may proceed with the
1728 delinquency proceedings. Any order of the court granting or denying a

1729 motion for suspension of the delinquency proceedings shall not be
1730 deemed a final order for purposes of appeal.

1731 (d) At any time before the end of the period of the suspension of the
1732 delinquency proceedings, but not later than one month before the end
1733 of the period of suspension, a juvenile probation officer shall notify the
1734 court of the impending conclusion of the suspension and submit a
1735 report on whether the child or young adult has completed the
1736 treatment program and has complied with all other conditions of the
1737 suspension order imposed by the court.

1738 (e) If the court, on motion of the child or young adult or on its own
1739 motion, finds that the child or young adult has completed the
1740 treatment program and has complied with all other conditions of
1741 suspension, it may dismiss the charge for which the delinquency
1742 proceedings had been suspended. If the court denies the motion and
1743 terminates the suspension of the delinquency proceedings, the
1744 prosecutorial official may proceed with such proceedings.

1745 (f) The provisions of this section shall not apply to any child or
1746 young adult charged with a serious juvenile offense as defined in
1747 section 46b-120, as amended by this act, or any child or young adult
1748 who was previously ordered treated under this section.

1749 Sec. 16. Section 46b-134 of the general statutes is repealed and the
1750 following is substituted in lieu thereof (*Effective July 1, 2018*):

1751 Prior to the disposition of the case of any child [convicted of a
1752 delinquent act] or young adult adjudicated as delinquent, investigation
1753 shall be made of the facts as specified in this section by the probation
1754 officer, and until such investigation has been completed and the results
1755 thereof placed before the judge, no disposition of the [child's] case shall
1756 be made. Such investigation shall consist of an examination of the
1757 parentage and surroundings of the child or young adult and the
1758 [child's] age, habits and history [, and] of the child or young adult, and,
1759 in the case of a child, shall include also an inquiry into the home

1760 conditions, habits and character of the child's parents or guardians.
1761 Such investigation shall include an inquiry into the circumstances of
1762 the offense, the attitude of the complainant or victim, the criminal
1763 record, the present condition of the child or young adult and any
1764 damages suffered by the victim including medical expenses, loss of
1765 earnings and property loss. If the child or young adult is or legally
1766 should be in attendance at school, such investigation shall further
1767 contain a report of the [child's] school attendance of the child or young
1768 adult, adjustment and behavior [, the child's] of the child or young
1769 adult and any individualized education program if, [the child has
1770 been] as a child, such person was identified pursuant to sections 10-76a
1771 to 10-76gg, inclusive, as requiring special education and related
1772 services and any recommendations from school officials on conditions
1773 of probation if the child or young adult is placed on probation
1774 pursuant to section 46b-140, as amended by this act, which shall be
1775 furnished by the school officials to the court upon its request. The
1776 court shall, when it is found necessary to the disposition, cause a
1777 complete physical or mental examination, or both, to be made of the
1778 child or young adult by persons professionally qualified to do so. Such
1779 examination may include testing to determine whether the child or
1780 young adult is alcohol-dependent or drug-dependent as defined in
1781 section 46b-120, as amended by this act. If the court causes a complete
1782 physical or mental examination, or both, to be made of a young adult
1783 who is found able to pay in whole or in part the cost of any such
1784 examination, or a child whose parents, guardian or custodian is found
1785 able to pay in whole or in part the cost [thereof, it] of any such
1786 examination, the court shall assess as costs against such young adult,
1787 or, in the case of a child, such child's parents, guardian or custodian,
1788 including any agency vested with the legal custody of the child, the
1789 expense so incurred and paid for by the court in having such
1790 examination performed. [, to the extent of their financial ability to do
1791 so.] Prior to the disposition of the case of any child [convicted of a
1792 delinquent act] or young adult adjudicated as delinquent, the court
1793 may cause a complete diagnostic examination to be made, unless such

1794 information is otherwise available. Such information shall include
1795 physical and psychological diagnoses and may include medical,
1796 psychiatric, neurological, learning disability diagnoses and such other
1797 diagnoses as the court deems necessary. If such child is committed to
1798 the Department of Children and Families, such information shall be
1799 shared with the Department of Children and Families.

1800 Sec. 17. Section 46b-135 of the general statutes is repealed and the
1801 following is substituted in lieu thereof (*Effective July 1, 2018*):

1802 (a) At the commencement of any proceeding concerning the alleged
1803 delinquency of a child or young adult, the child or young adult shall
1804 have the right to counsel and be so informed by the judge, and that if
1805 the child and the parent or parents or guardian of the child are unable
1806 to afford counsel or if the young adult is unable to afford counsel,
1807 counsel will be provided for the child or young adult. Such counsel
1808 and the child or young adult shall have the rights of confrontation and
1809 cross-examination. If a parent fails to comply with a court order
1810 entered in the best interests of the alleged or adjudicated delinquent
1811 child and is facing potential imprisonment for contempt of court, such
1812 parent, if unable to afford counsel, shall be entitled to have counsel
1813 provided for such parent pursuant to this subsection.

1814 (b) At the commencement of any proceeding on behalf of a
1815 neglected, uncared-for or abused child, [or youth,] the parent or
1816 parents or guardian of the child [or youth] shall have the right to
1817 counsel, and shall be so informed by the judge, and that if they are
1818 unable to afford counsel, counsel will be provided for them. Such
1819 parent or guardian of the child [or youth] shall have the rights of
1820 confrontation and cross-examination.

1821 Sec. 18. Section 46b-136 of the general statutes is repealed and the
1822 following is substituted in lieu thereof (*Effective July 1, 2018*):

1823 In any proceeding in a juvenile matter, the judge before whom such
1824 proceeding is pending shall, even in the absence of a request to do so,

1825 provide an attorney to represent the child or [youth] young adult, or,
1826 in the case of a child, the child's [or youth's] parent or parents or
1827 guardian [,] or other person or custodian having control of the child,
1828 [or youth,] if such judge determines that the interests of justice so
1829 require, and in any proceeding in which the custody of a child is at
1830 issue, such judge shall provide an attorney to represent the child and
1831 may authorize such attorney or appoint another attorney to represent
1832 such child or [youth, parent, guardian or other person] the child's
1833 parent or parents or guardian or other person or custodian having
1834 control of the child on an appeal from a decision in such proceeding.
1835 Where, under the provisions of this section, the court so appoints
1836 counsel for any such party who is found able to pay, in whole or in
1837 part, the cost [thereof] of such counsel, the court shall assess as costs
1838 against such young adult, or, in the case of a child, such child's parent
1839 or parents, guardian or [custodian] or other person or custodian
1840 having control of the child, including any agency vested with the legal
1841 custody of the child, [or youth,] the expense so incurred and paid by
1842 the Division of Public Defender Services in providing such counsel. [,
1843 to the extent of their financial ability to do so.] The Division of Public
1844 Defender Services shall establish the rate at which counsel provided
1845 pursuant to this section shall be compensated.

1846 Sec. 19. Section 46b-137 of the general statutes is repealed and the
1847 following is substituted in lieu thereof (*Effective July 1, 2018*):

1848 (a) Any admission, confession or statement, written or oral, made by
1849 a child under the age of sixteen to a police officer or Juvenile Court
1850 official shall be inadmissible in any proceeding concerning the alleged
1851 delinquency of the child making such admission, confession or
1852 statement unless made by such child in the presence of the child's
1853 parent or parents or guardian and after the parent or parents or
1854 guardian and child have been advised (1) of the child's right to retain
1855 counsel, or if unable to afford counsel, to have counsel appointed on
1856 the child's behalf, (2) of the child's right to refuse to make any
1857 statements, and (3) that any statements the child makes may be

1858 introduced into evidence against the child.

1859 (b) Any admission, confession or statement, written or oral, made
1860 by a [child sixteen or seventeen years of age] youth to a police officer
1861 or Juvenile Court official, except an admission, confession or
1862 statement, written or oral, made by a [child sixteen or seventeen years
1863 of age] youth to a police officer in connection with a case transferred to
1864 the Juvenile Court from the youthful offender docket, regular criminal
1865 docket of the Superior Court or any docket for the presentment of
1866 defendants in motor vehicle matters, shall be inadmissible in any
1867 proceeding concerning the alleged delinquency of the [child] youth
1868 making such admission, confession or statement, unless (1) the police
1869 or Juvenile Court official has made reasonable efforts to contact a
1870 parent or guardian of the [child] youth, and (2) such [child] youth has
1871 been advised that (A) the [child] youth has the right to contact a parent
1872 or guardian and to have a parent or guardian present during any
1873 interview, (B) the [child] youth has the right to retain counsel or, if
1874 unable to afford counsel, to have counsel appointed on behalf of the
1875 [child] youth, (C) the [child] youth has the right to refuse to make any
1876 statement, and (D) any statement the [child] youth makes may be
1877 introduced into evidence against the [child] youth.

1878 (c) The admissibility of any admission, confession or statement,
1879 written or oral, made by a [child sixteen or seventeen years of age]
1880 youth to a police officer or Juvenile Court official, except an admission,
1881 confession or statement, written or oral, made by a [child sixteen or
1882 seventeen years of age] youth to a police officer in connection with a
1883 case transferred to the Juvenile Court from the youthful offender
1884 docket, regular criminal docket of the Superior Court or any docket for
1885 the presentment of defendants in motor vehicle matters, shall be
1886 determined by considering the totality of the circumstances at the time
1887 of the making of such admission, confession or statement. When
1888 determining the admissibility of such admission, confession or
1889 statement, the court shall consider (1) the age, experience, education,
1890 background and intelligence of the [child] youth, (2) the capacity of the

1891 [child] youth to understand the advice concerning rights and warnings
1892 required under subdivision (2) of subsection (b) of this section, the
1893 nature of the privilege against self-incrimination under the United
1894 States and Connecticut Constitutions, and the consequences of waiving
1895 such rights and privilege, (3) the opportunity the [child] youth had to
1896 speak with a parent, guardian or some other suitable individual prior
1897 to or while making such admission, confession or statement, and (4)
1898 the circumstances surrounding the making of the admission,
1899 confession or statement, including, but not limited to, (A) when and
1900 where the admission, confession or statement was made, (B) the
1901 reasonableness of proceeding, or the need to proceed, without a parent
1902 or guardian present, and (C) the reasonableness of efforts by the police
1903 or Juvenile Court official to attempt to contact a parent or guardian.

1904 (d) Any confession, admission or statement, written or oral, made
1905 by the parent or parents or guardian of the child or youth after the
1906 filing of a petition alleging such child or youth to be neglected,
1907 uncared for or abused shall be inadmissible in any proceeding held
1908 upon such petition against the person making such admission or
1909 statement unless such person shall have been advised of the person's
1910 right to retain counsel, and that if the person is unable to afford
1911 counsel, counsel will be appointed to represent the person, that the
1912 person has a right to refuse to make any statement and that any
1913 statements the person makes may be introduced in evidence against
1914 the person, except that any statement made by the mother of any child
1915 or youth, upon inquiry by the court and under oath if necessary, as to
1916 the identity of any person who might be the father of the child or
1917 youth shall not be inadmissible if the mother was not so advised.

1918 Sec. 20. Section 46b-138 of the general statutes is repealed and the
1919 following is substituted in lieu thereof (*Effective July 1, 2018*):

1920 For the purpose of hearing any juvenile matter, the court may
1921 summon witnesses and compel their attendance. The conversations of
1922 the judge with a child or [youth] young adult whose case is before the

1923 court shall be privileged.

1924 Sec. 21. Section 46b-138b of the general statutes is repealed and the
1925 following is substituted in lieu thereof (*Effective July 1, 2018*):

1926 In any proceeding concerning the alleged delinquency of a child or
1927 young adult, any victim of the alleged delinquent conduct, the parents
1928 or guardian of such victim, a victim advocate for such victim under
1929 section 54-220, or such victim's counsel shall have the right to appear
1930 before the court for the purpose of making a statement to the court
1931 concerning the disposition of the case.

1932 Sec. 22. Section 46b-140 of the general statutes is repealed and the
1933 following is substituted in lieu thereof (*Effective July 1, 2018*):

1934 (a) In determining the appropriate disposition of a child [convicted]
1935 or young adult adjudicated as delinquent, the court shall consider: (1)
1936 The seriousness of the offense, including the existence of any
1937 aggravating factors such as the use of a firearm in the commission of
1938 the offense and the impact of the offense on any victim; (2) the [child's]
1939 person's record of delinquency; (3) the child's willingness to participate
1940 in available programs; (4) the existence of other mitigating factors; and
1941 (5) the culpability of the child or young adult in committing the offense
1942 including the level of the child's participation by such person in the
1943 planning and carrying out of the offense.

1944 (b) Upon [conviction] adjudication of a child or young adult as
1945 delinquent, the court: (1) May (A) order the child or young adult to
1946 participate in an alternative incarceration program; (B) in the case of a
1947 child, order the child to participate in a program at a wilderness school
1948 facility operated by the Department of Children and Families; (C)
1949 order the child to participate in a youth service bureau program; (D)
1950 place the child or young adult on probation; (E) order the child or
1951 young adult, or, in the case of a child, the parents or guardian of the
1952 child, or both, to make restitution to the victim of the offense in
1953 accordance with subsection (d) of this section; (F) order the child or

1954 young adult to participate in a program of community service in
1955 accordance with subsection (e) of this section; or (G) withhold or
1956 suspend execution of any judgment; and (2) shall impose the penalty
1957 established in subsection (b) of section 30-89 for any violation of said
1958 subsection (b).

1959 (c) The court may order, as a condition of probation, that the child
1960 or young adult (1) in the case of a child, reside with a parent, relative
1961 or guardian or in a suitable foster home or other residence approved
1962 by the court, (2) attend school and class on a regular basis and comply
1963 with school policies on student conduct and discipline, (3) refrain from
1964 violating any federal or state law or municipal or local ordinance, (4)
1965 undergo any medical or psychiatric evaluation or treatment deemed
1966 necessary by the court, (5) submit to random drug or alcohol testing, or
1967 both, (6) participate in a program of alcohol or drug treatment, or both,
1968 (7) make restitution to the victim of the offense in accordance with
1969 subsection (d) of this section, (8) participate in an alternative
1970 incarceration program or other program established through the Court
1971 Support Services Division, (9) participate in a program of community
1972 service, and (10) satisfy any other conditions deemed appropriate by
1973 the court. The court shall cause a copy of any such order to be
1974 delivered to the child [,] or young adult and, in the case of a child, to
1975 the child's parents or guardian and the child's probation officer. If the
1976 child or young adult is [convicted] adjudicated as delinquent for a
1977 violation of section 53-247, the court may order, as a condition of
1978 probation, that the child or young adult undergo psychiatric or
1979 psychological counseling or participate in an animal cruelty
1980 prevention and education program provided such a program exists
1981 and is available to the child or young adult.

1982 (d) If the child or young adult has engaged in conduct which results
1983 in property damage or personal injury, the court may order the child
1984 or young adult, or, in the case of a child, the parent or parents or
1985 guardian of the child, if such parent or parents or guardian had
1986 knowledge of and condoned the conduct of the child, or both the child

1987 and the parent or parents or guardian, to make restitution to the victim
1988 of such offense, provided the liability of such parent or parents or
1989 guardian shall be limited to an amount not exceeding the amount such
1990 parent or parents or guardian would be liable for in an action under
1991 section 52-572. Restitution may consist of monetary reimbursement for
1992 the damage or injury, based on the [child's or the parent's, parents' or
1993 guardian's] person's ability to pay, [as the case may be,] in the form of
1994 a lump sum or installment payments, paid to the court clerk or such
1995 other official designated by the court for distribution to the victim.

1996 (e) The court may order the child or young adult to participate in a
1997 program of community service under the supervision of the court or
1998 any organization designated by the court. Such child or young adult
1999 shall not be deemed to be an employee and the services of such child
2000 or young adult shall not be deemed employment.

2001 (f) If the court further finds that its probation services or other
2002 services available to the court are not adequate for such child or young
2003 adult, the court shall commit such child or young adult to the
2004 Department of Children and Families in accordance with the
2005 provisions of section 46b-141, as amended by this act.

2006 (g) Any child [or youth] coming within the jurisdiction of the court,
2007 who is found to be mentally ill, may be committed by said court to the
2008 Commissioner of Children and Families and, if the court [convicts]
2009 adjudicates a child as delinquent and finds such child to be mentally
2010 deficient, the court may commit such child to an institution for
2011 mentally deficient children [or youth or delinquents] or delinquent
2012 children. No such commitment may be ordered or continued for any
2013 child who has attained the age of twenty. Whenever it is found that a
2014 child [convicted] adjudicated as delinquent or adjudged to be a
2015 member of a family with service needs would benefit from a work-
2016 study program or employment with or without continued school
2017 attendance, the court may, as a condition of probation or supervision,
2018 authorize such child to be employed for part or full-time at some

2019 useful occupation that would be favorable to such child's welfare, and
2020 the probation officer shall supervise such employment. For the
2021 purposes of this section, the limitations of subsection (a) of section 31-
2022 23 on the employment of minors under the age of sixteen years shall
2023 not apply for the duration of such probation or supervision.

2024 (h) Whenever the court commits a child to the Department of
2025 Children and Families, there shall be delivered with the mittimus a
2026 copy of the results of the investigations made as required by section
2027 46b-134, as amended by this act. The court may, at any time, require
2028 from the department in whose care a child has been placed such report
2029 as to such child and such child's treatment.

2030 (i) If the delinquent act for which the child is committed to the
2031 Department of Children and Families is a serious juvenile offense, the
2032 court may set a minimum period of twelve months during which the
2033 child shall be placed in a residential facility operated by or under
2034 contract with said department, as determined by the Commissioner of
2035 Children and Families. No such commitment may be ordered or
2036 continued for any child who has attained the age of twenty. The setting
2037 of such minimum period shall be in the form of an order of the court
2038 included in the mittimus. For good cause shown in the form of an
2039 affidavit annexed thereto, the Department of Children and Families,
2040 the parent or guardian of the child or the child may petition the court
2041 for modification of any such order.

2042 (j) Except as otherwise provided in this section, the court may order
2043 that a child or young adult be (1) committed to the Department of
2044 Children and Families and, after consultation with said department,
2045 the court may order that the child or young adult be placed directly in
2046 a residential facility within this state and under contract with said
2047 department, or (2) committed to the Commissioner of Children and
2048 Families for placement by the commissioner, in said commissioner's
2049 discretion, (A) with respect to the juvenile offenders determined by the
2050 Department of Children and Families to be the highest risk, in the

2051 Connecticut Juvenile Training School, if the juvenile offender is a male,
2052 or in another state facility, presumptively for a minimum period of
2053 twelve months, or (B) in a private residential or day treatment facility
2054 within or outside this state, or (C) on parole. No such commitment
2055 may be ordered or continued for any child or young adult who has
2056 attained the age of twenty. The commissioner shall use a risk and
2057 needs assessment classification system to ensure that children who are
2058 in the highest risk level will be placed in an appropriate secure
2059 treatment setting.

2060 (k) On or after May 21, 2004, no female child or female young adult
2061 committed to the Department of Children and Families shall be placed
2062 in the Connecticut Juvenile Training School. Any female child placed
2063 in the Connecticut Juvenile Training School before May 21, 2004, shall
2064 be transferred to another appropriate facility not later than ninety days
2065 after May 21, 2004.

2066 (l) Notwithstanding any provisions of the general statutes
2067 concerning the confidentiality of records and information, whenever a
2068 child [convicted] adjudicated as delinquent is committed to the
2069 Department of Children and Families, the Commissioner of Children
2070 and Families shall have access to the following information: (1)
2071 Educational records of such child; (2) records regarding such child's
2072 past treatment for physical or mental illness, including substance
2073 abuse; (3) records regarding such child's prior placement in a public or
2074 private residential facility; (4) records created or obtained by the
2075 Judicial Department regarding such child; and (5) records, as defined
2076 in subsection (a) of section 17a-28. The Commissioner of Children and
2077 Families shall review such information to determine the appropriate
2078 services and placement which will be in the best interest of the child.

2079 Sec. 23. Section 46b-140a of the general statutes is repealed and the
2080 following is substituted in lieu thereof (*Effective July 1, 2018*):

2081 (a) At any time during the period of probation or suspended

2082 commitment, after hearing and for good cause shown, the court may
2083 modify or enlarge the conditions, whether originally imposed by the
2084 court under this section or otherwise, and may extend the period as
2085 deemed appropriate by the court. The court shall cause a copy of any
2086 such order to be delivered to the child or [youth and to such child's or
2087 youth's parent or guardian and probation officer] young adult, the
2088 probation officer of the child or young adult, and, in the case of a child,
2089 the child's parent or guardian.

2090 (b) The period of participation in an alternative incarceration
2091 program, as a condition of probation or suspended commitment,
2092 unless terminated sooner, shall not exceed the original period of
2093 probation or suspended commitment.

2094 (c) At any time during the period of probation or suspended
2095 commitment, the court may issue a warrant for the arrest of a child or
2096 [youth] young adult for violation of any of the conditions of probation
2097 or suspended commitment, or may issue a notice to appear to answer
2098 to a charge of such violation, which notice shall be personally served
2099 upon the child or [youth] young adult. Any such warrant shall
2100 authorize all officers named [therein] in such warrant to return the
2101 child or [youth] young adult to the custody of the court or to any
2102 suitable [juvenile] detention facility designated by the court.

2103 (d) If such violation is established, the court may continue or revoke
2104 the order of probation or suspended commitment or modify or enlarge
2105 the conditions and, if such order of probation or suspended
2106 commitment is revoked, require the child or [youth] young adult to
2107 serve the commitment imposed or impose any lesser commitment. No
2108 such revocation shall be ordered, except upon consideration of the
2109 whole record and unless such violation is established by reliable and
2110 probative evidence.

2111 (e) Upon a determination by the court that a child or [youth] young
2112 adult has violated probation by failing to comply with the

2113 requirements of electronic monitoring, the Court Support Services
2114 Division shall notify the local law enforcement agency of such
2115 violation.

2116 Sec. 24. Section 46b-141 of the general statutes is repealed and the
2117 following is substituted in lieu thereof (*Effective July 1, 2018*):

2118 (a) (1) Except as otherwise limited by subsection (i) of section 46b-
2119 140, as amended by this act, and subdivision (2) of this subsection,
2120 commitment of children [convicted] or young adults adjudicated as
2121 delinquent by the Superior Court to the Department of Children and
2122 Families shall be for (A) an indeterminate time up to a maximum of
2123 eighteen months, or (B) when so [convicted] adjudicated for a serious
2124 juvenile offense, up to a maximum of four years at the discretion of the
2125 court, unless extended as [hereinafter] provided in this section.

2126 (2) Commitment of children [convicted] or young adults
2127 adjudicated as delinquent by the Superior Court to the Department of
2128 Children and Families shall terminate when the child or young adult
2129 attains the age of twenty.

2130 (b) The Commissioner of Children and Families may file a motion
2131 for an extension of the commitment as provided in subparagraph (A)
2132 of subdivision (1) of subsection (a) of this section beyond the eighteen-
2133 month period on the grounds that such extension is for the best
2134 interest of the child or the community. The court shall give notice to
2135 the parent or guardian and to the child at least fourteen days prior to
2136 the hearing upon such motion. The court may, after hearing and upon
2137 finding that such extension is in the best interest of the child or the
2138 community, continue the commitment for an additional period of not
2139 more than eighteen months, except that such additional period shall
2140 not continue beyond the date the child attains the age of twenty. Not
2141 later than twelve months after a child is committed to the Department
2142 of Children and Families in accordance with subparagraph (A) of
2143 subdivision (1) of subsection (a) of this section, the court shall hold a

2144 permanency hearing in accordance with subsection (d) of this section.
2145 After the initial permanency hearing, subsequent permanency hearings
2146 shall be held not less frequently than every twelve months while the
2147 child remains committed to the Department of Children and Families.

2148 (c) The court shall hold a permanency hearing in accordance with
2149 subsection (d) of this section for each child [convicted] adjudicated as
2150 delinquent for a serious juvenile offense as provided in subparagraph
2151 (B) of subdivision (1) of subsection (a) of this section [within] not later
2152 than twelve months [of] after commitment to the Department of
2153 Children and Families and every twelve months thereafter if the child
2154 remains committed to the Department of Children and Families. Such
2155 hearing may include the submission of a motion to the court by the
2156 commissioner to either (1) modify such commitment, or (2) extend the
2157 commitment beyond such four-year period on the grounds that such
2158 extension is for the best interest of the child or the community. The
2159 court shall give notice to the parent or guardian and to the child at
2160 least fourteen days prior to the hearing upon such motion. The court,
2161 after hearing, may modify such commitment or, upon finding that
2162 such extension is in the best interest of the child or the community,
2163 continue the commitment for an additional period of not more than
2164 eighteen months.

2165 (d) At least sixty days prior to each permanency hearing required
2166 pursuant to subsection (b) or (c) of this section, the Commissioner of
2167 Children and Families shall file a permanency plan with the court. At
2168 each permanency hearing, the court shall review and approve a
2169 permanency plan that is in the best interest of the child and takes into
2170 consideration the child's need for permanency. Such permanency plan
2171 may include the goal of: (1) Revocation of commitment and placement
2172 of the child with the parent or guardian, (2) transfer of guardianship,
2173 (3) adoption, or (4) for any child sixteen years of age or older, such
2174 other planned permanent living arrangement ordered by the court,
2175 provided the Commissioner of Children and Families has documented
2176 a compelling reason why it would not be in the best interest of the

2177 child for the permanency plan to include the goals in subdivisions (1)
2178 to (3), inclusive, of this subsection. Such other planned permanent
2179 living arrangement may include, but not be limited to, placement of
2180 the child in an independent living program. At any such permanency
2181 hearing, the court shall also determine whether the Commissioner of
2182 Children and Families has made reasonable efforts to achieve the
2183 permanency plan.

2184 (e) (1) If the permanency plan for a child sixteen years of age or
2185 older includes such other planned permanent living arrangement
2186 pursuant to subdivision (4) of subsection (d) of this section, the
2187 department shall document for the court: (A) The manner and
2188 frequency of efforts made by the department to return the child home
2189 or secure a placement for the child with a fit and willing relative, legal
2190 guardian or an adoptive parent; and (B) the steps the department has
2191 taken to ensure that (i) the child's foster family home or child care
2192 institution is following a reasonable and prudent parent standard, as
2193 defined in section 17a-114d; and (ii) the child has regular, ongoing
2194 opportunities to engage in age appropriate or developmentally
2195 appropriate activities, as defined in section 17a-114d.

2196 (2) At any such permanency hearing in which the plan for a child
2197 sixteen years of age or older is such other planned permanent living
2198 arrangement pursuant to subdivision (4) of subsection (d) of this
2199 section, the court shall (A) (i) ask the child about his or her desired
2200 permanency outcome, or (ii) if the child is unavailable to appear at
2201 such hearing, require the attorney for the child to consult with the
2202 child regarding the child's desired permanency outcome and report
2203 the same to the court; (B) make a judicial determination that, as of the
2204 date of hearing, such other planned permanent living arrangement is
2205 the best permanency plan for the child; and (C) document the
2206 compelling reasons why it is not in the best interest of the child to
2207 return home or to be placed with a fit and willing relative, legal
2208 guardian or adoptive parent.

2209 (f) All other commitments of delinquent, mentally deficient or
2210 mentally ill children by the court pursuant to the provisions of section
2211 46b-140, as amended by this act, may be for an indeterminate time,
2212 except that no such commitment may be ordered or continued for any
2213 child who has attained the age of twenty. Commitments may be
2214 reopened and terminated at any time by said court, provided the
2215 Commissioner of Children and Families shall be given notice of such
2216 proposed reopening and a reasonable opportunity to present the
2217 commissioner's views thereon. The parents or guardian of such child
2218 may apply not more than twice in any calendar year for such
2219 reopening and termination of commitment. Any order of the court
2220 made under the provisions of this section shall be deemed a final order
2221 for purposes of appeal, except that no bond shall be required and no
2222 costs shall be taxed on such appeal.

2223 Sec. 25. Section 46b-141a of the general statutes is repealed and the
2224 following is substituted in lieu thereof (*Effective July 1, 2018*):

2225 (a) Whenever a child or young adult is [convicted] adjudicated as
2226 delinquent, the court, in lieu of committing such child to the
2227 Department of Children and Families or such child or young adult to a
2228 [juvenile] detention center, may, in its discretion, order an assessment
2229 for placement in an alternative incarceration program to be conducted
2230 by the Court Support Services Division. If the Court Support Services
2231 Division recommends placement in an alternative incarceration
2232 program, it shall also submit to the court a proposed alternative
2233 incarceration plan. Upon completion of the assessment, the court shall
2234 determine whether such child or young adult shall be ordered to
2235 participate in such program as an alternative to commitment. If the
2236 court determines that the child or young adult shall participate in such
2237 program, the court shall suspend any commitment to the Department
2238 of Children and Families or to a juvenile detention center and shall
2239 make participation in the alternative incarceration program a condition
2240 of probation.

2241 (b) An alternative incarceration program shall include, but not be
2242 limited to, fines, restitution, community service, halfway houses,
2243 alternative incarceration centers, day incarceration centers, drug,
2244 alcohol and mental health programs, electronic monitoring, intensive
2245 probation, vocational probation, boot camps, structured wilderness
2246 programs, pretrial diversion options aimed at creating alternatives to
2247 unnecessary detention, and school and job training programs.

2248 Sec. 26. Section 46b-141d of the general statutes is repealed and the
2249 following is substituted in lieu thereof (*Effective July 1, 2018*):

2250 Any child or young adult who is arrested and held in a detention
2251 center, an alternative detention center or a police station or courthouse
2252 lockup prior to the disposition of a juvenile matter shall, if
2253 subsequently [convicted] adjudicated as delinquent by the Superior
2254 Court and sentenced to a period of probation, earn a reduction of such
2255 [child's] period of probation, including any extensions thereof, equal to
2256 the number of days that such child or young adult spent in such
2257 detention center or lockup.

2258 Sec. 27. Section 46b-145 of the general statutes is repealed and the
2259 following is substituted in lieu thereof (*Effective July 1, 2018*):

2260 No child or young adult shall be prosecuted for an offense before
2261 the regular criminal docket of the Superior Court except as provided in
2262 section 46b-127, as amended by this act, and subsection (f) of section
2263 46b-133c, as amended by this act.

2264 Sec. 28. Section 46b-147 of the general statutes is repealed and the
2265 following is substituted in lieu thereof (*Effective July 1, 2018*):

2266 The disposition and any order of such disposition of any child or
2267 young adult under the provisions of this chapter, evidence given in
2268 such cases, except evidence of crime which, if committed by a person
2269 [of sufficient age, would be punishable by imprisonment in the
2270 Connecticut Correctional Institution, Somers, and all orders therein]

2271 who, at the time of the commission of the crime, attained the age for
2272 adult jurisdiction, shall be inadmissible as evidence in any criminal
2273 proceedings against such child or young adult.

2274 Sec. 29. Section 18-100i of the general statutes is repealed and the
2275 following is substituted in lieu thereof (*Effective from passage*):

2276 [(a)] The Commissioner of Correction, at the commissioner's
2277 discretion, may release an inmate from the commissioner's custody,
2278 except an inmate convicted of a capital felony under the provisions of
2279 section 53a-54b in effect prior to April 25, 2012, or murder with special
2280 circumstances under the provisions of section 53a-54b in effect on or
2281 after April 25, 2012, for placement in a licensed community-based
2282 nursing home under contract with the state for the purpose of
2283 providing palliative and end-of-life care to the inmate if the medical
2284 director of the Department of Correction determines that the inmate is
2285 suffering from a terminal condition, disease or syndrome, or is so
2286 debilitated or incapacitated by a terminal condition, disease or
2287 syndrome as to (1) require continuous palliative or end-of-life care, or
2288 (2) be physically incapable of presenting a danger to society.

2289 [(b)] The Commissioner of Correction may require as a condition of
2290 release under subsection (a) of this section that the medical director
2291 conduct periodic medical review and diagnosis of the inmate during
2292 such release. An inmate released pursuant to subsection (a) of this
2293 section shall be returned to the custody of the Commissioner of
2294 Correction if the medical director determines that the inmate no longer
2295 meets the criteria for release under subsection (a) of this section.]

2296 [(c)] Any inmate released from the custody of the Commissioner of
2297 Correction pursuant to [subsection (a) of] this section shall be
2298 supervised in the community by the Department of Correction.

2299 Sec. 30. (NEW) (*Effective from passage*) The Criminal Justice Policy
2300 and Planning Division, established pursuant to section 4-68m of the
2301 general statutes, within the Office of Policy and Management, shall

2302 publish monthly statistics on its Internet web site on the number and
2303 types of transfers made from the docket for juvenile matters to the
2304 regular criminal docket of the Superior Court pursuant to section 46b-
2305 127 of the general statutes, as amended by this act.

2306 Sec. 31. Section 54-76b of the general statutes is repealed and the
2307 following is substituted in lieu thereof (*Effective October 1, 2017*):

2308 (a) For the purposes of [sections 54-76b to 54-76n, inclusive] this
2309 section and sections 54-76c to 54-76q, inclusive, as amended by this act:

2310 (1) "Youth" means (A) a [minor who has reached the age of sixteen
2311 years but has not reached the age of eighteen years] person who is
2312 sixteen years of age or older but under twenty-one years of age at the
2313 time of the alleged offense, or (B) a [child] person who has been
2314 transferred to the regular criminal docket of the Superior Court
2315 pursuant to section 46b-127, as amended by this act; and

2316 (2) "Youthful offender" means a youth who (A) is charged with the
2317 commission of a crime which is not a class A felony or a violation of
2318 section 14-222a, subsection (a) or subdivision (1) of subsection (b) of
2319 section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or
2320 (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a)
2321 of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or
2322 53a-72b, except a violation involving consensual sexual intercourse or
2323 sexual contact between [the youth] a person who is sixteen years of age
2324 or older but under eighteen years of age and another person who is
2325 thirteen years of age or older but under sixteen years of age, and (B)
2326 has not previously been convicted of a felony in the regular criminal
2327 docket of the Superior Court or been previously adjudged a serious
2328 juvenile offender or serious juvenile repeat offender, as defined in
2329 section 46b-120, as amended by this act.

2330 (b) The Interstate Compact for Adult Offender Supervision under
2331 section 54-133 shall apply to youthful offenders.

2332 Sec. 32. Subsection (a) of section 54-76h of the general statutes is
2333 repealed and the following is substituted in lieu thereof (*Effective*
2334 *October 1, 2017*):

2335 (a) All of the proceedings [had] under the provisions of sections 54-
2336 76b to 54-76n, inclusive, as amended by this act, in which the
2337 defendant is under eighteen years of age, shall be private and [shall be]
2338 conducted in such parts of the courthouse or the building [wherein] in
2339 which the court is located [as shall be] that are separate and apart from
2340 [the other parts] any other part of the court [which are] that is then
2341 being held for proceedings pertaining to adults charged with crimes. If
2342 the defendant is committed while any examination and investigation
2343 under section 54-76d is pending, before trial, during trial or after
2344 judgment and before sentence, those persons in charge of the place of
2345 detention shall segregate the defendant, to the extent of their facilities,
2346 from defendants over the age of eighteen years charged with crime.

2347 Sec. 33. Subsection (b) of section 54-76j of the general statutes is
2348 repealed and the following is substituted in lieu thereof (*Effective*
2349 *October 1, 2017*):

2350 (b) If execution of the sentence is suspended under subdivision (6)
2351 of subsection (a) of this section, the defendant may be placed on
2352 probation or conditional discharge for a period not to exceed three
2353 years, provided, at any time during the period of probation, after
2354 hearing and for good cause shown, the court may extend the period as
2355 deemed appropriate by the court. If the court places [the person] a
2356 person who is under eighteen years of age and who is adjudicated to
2357 be a youthful offender on probation, the court may order that, as a
2358 condition of such probation, the person be referred for services to a
2359 youth service bureau established pursuant to section 10-19m, provided
2360 the court finds, through an assessment by a youth service bureau or its
2361 designee, that the person is in need of and likely to benefit from such
2362 services. If the court places a youthful offender on probation, school
2363 and class attendance on a regular basis and satisfactory compliance

2364 with school policies on student conduct and discipline may be a
2365 condition of such probation and, in such a case, failure to so attend or
2366 comply shall be a violation of probation. If the court has reason to
2367 believe that the person adjudicated to be a youthful offender is or has
2368 been an unlawful user of narcotic drugs, as defined in section 21a-240,
2369 and the court places such youthful offender on probation, the
2370 conditions of probation, among other things, shall include a
2371 requirement that such person shall submit to periodic tests to
2372 determine, by the use of "synthetic opiate antinarcotic in action",
2373 nalline test or other detection tests, at a hospital or other facility,
2374 equipped to make such tests, whether such person is using narcotic
2375 drugs. A failure to report for such tests or a determination that such
2376 person is unlawfully using narcotic drugs shall constitute a violation of
2377 probation. If the court places a person adjudicated as a youthful
2378 offender for a violation of section 53-247 on probation, the court may
2379 order that, as a condition of such probation, the person undergo
2380 psychiatric or psychological counseling or participate in an animal
2381 cruelty prevention and education program, provided such a program
2382 exists and is available to the person.

2383 Sec. 34. Subsection (a) of section 54-76l of the general statutes is
2384 repealed and the following is substituted in lieu thereof (*Effective*
2385 *October 1, 2017*):

2386 (a) The records or other information of a youth, other than a youth
2387 [arrested for or] charged with the commission of a crime which is a
2388 class A felony or a violation of section 14-222a, subsection (a) or
2389 subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-
2390 227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-
2391 227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-
2392 70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation
2393 involving consensual sexual intercourse or sexual contact between [the
2394 youth] a person who is sixteen years of age or older but under eighteen
2395 years of age and another person who is thirteen years of age or older
2396 but under sixteen years of age, including fingerprints, photographs

2397 and physical descriptions, shall be confidential and shall not be open
2398 to public inspection or be disclosed except as provided in this section,
2399 but such fingerprints, photographs and physical descriptions
2400 submitted to the State Police Bureau of Identification of the Division of
2401 State Police within the Department of Emergency Services and Public
2402 Protection at the time of the arrest of a person subsequently adjudged,
2403 or subsequently presumed or determined to be eligible to be adjudged,
2404 a youthful offender shall be retained as confidential matter in the files
2405 of the bureau and be opened to inspection only as provided in this
2406 section. Other data ordinarily received by the bureau, with regard to
2407 persons arrested for a crime, shall be forwarded to the bureau to be
2408 filed, in addition to such fingerprints, photographs and physical
2409 descriptions, and be retained in the division as confidential
2410 information, open to inspection only as provided in this section.

2411 Sec. 35. Section 54-76o of the general statutes is repealed and the
2412 following is substituted in lieu thereof (*Effective October 1, 2017*):

2413 Whenever any person has been adjudicated a youthful offender and
2414 has subsequently been discharged from the supervision of the court or
2415 from the care of any institution or agency to whom [he] such person
2416 has been committed by the court, all police and court records
2417 pertaining to such youthful offender shall be automatically erased
2418 [when such person attains twenty-one years of age] four years after
2419 such person was sentenced as a youthful offender, provided such
2420 person has not subsequent to being adjudged a youthful offender been
2421 convicted of a felony, as defined in section 53a-25, prior to attaining
2422 such age. Youthful offender status shall not be deemed conviction of a
2423 crime for the purposes of this section. Upon the entry of such an
2424 erasure order, all references including arrest, complaint, referrals,
2425 petitions, reports and orders, shall be removed from all agency, official
2426 and institutional files. The persons in charge of such records shall not
2427 disclose to any person, except the subject of the record, upon
2428 submission of satisfactory proof of the subject's identity in accordance
2429 with guidelines prescribed by the Chief Court Administrator,

2430 information pertaining to the record so erased. No [youth] person who
 2431 has been the subject of such an erasure order shall be deemed to have
 2432 been arrested ab initio, within the meaning of the general statutes, with
 2433 respect to proceedings so erased. Copies of the erasure order shall be
 2434 sent to all persons, agencies, officials or institutions known to have
 2435 information pertaining to the proceedings affecting such [youth]
 2436 person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	46b-120
Sec. 2	<i>July 1, 2018</i>	46b-121
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>July 1, 2018</i>	46b-127
Sec. 5	<i>July 1, 2018</i>	46b-133
Sec. 6	<i>July 1, 2018</i>	46b-133c
Sec. 7	<i>July 1, 2018</i>	46b-133d
Sec. 8	<i>July 1, 2018</i>	4-68m(d) and (e)
Sec. 9	<i>July 1, 2018</i>	46b-124
Sec. 10	<i>July 1, 2018</i>	46b-133g
Sec. 11	<i>July 1, 2018</i>	46b-133h
Sec. 12	<i>July 1, 2018</i>	46b-128
Sec. 13	<i>July 1, 2018</i>	46b-128a
Sec. 14	<i>July 1, 2018</i>	46b-133a
Sec. 15	<i>July 1, 2018</i>	46b-133b
Sec. 16	<i>July 1, 2018</i>	46b-134
Sec. 17	<i>July 1, 2018</i>	46b-135
Sec. 18	<i>July 1, 2018</i>	46b-136
Sec. 19	<i>July 1, 2018</i>	46b-137
Sec. 20	<i>July 1, 2018</i>	46b-138
Sec. 21	<i>July 1, 2018</i>	46b-138b
Sec. 22	<i>July 1, 2018</i>	46b-140
Sec. 23	<i>July 1, 2018</i>	46b-140a
Sec. 24	<i>July 1, 2018</i>	46b-141
Sec. 25	<i>July 1, 2018</i>	46b-141a
Sec. 26	<i>July 1, 2018</i>	46b-141d
Sec. 27	<i>July 1, 2018</i>	46b-145

Sec. 28	<i>July 1, 2018</i>	46b-147
Sec. 29	<i>from passage</i>	18-100i
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>October 1, 2017</i>	54-76b
Sec. 32	<i>October 1, 2017</i>	54-76h(a)
Sec. 33	<i>October 1, 2017</i>	54-76j(b)
Sec. 34	<i>October 1, 2017</i>	54-76l(a)
Sec. 35	<i>October 1, 2017</i>	54-76o

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]